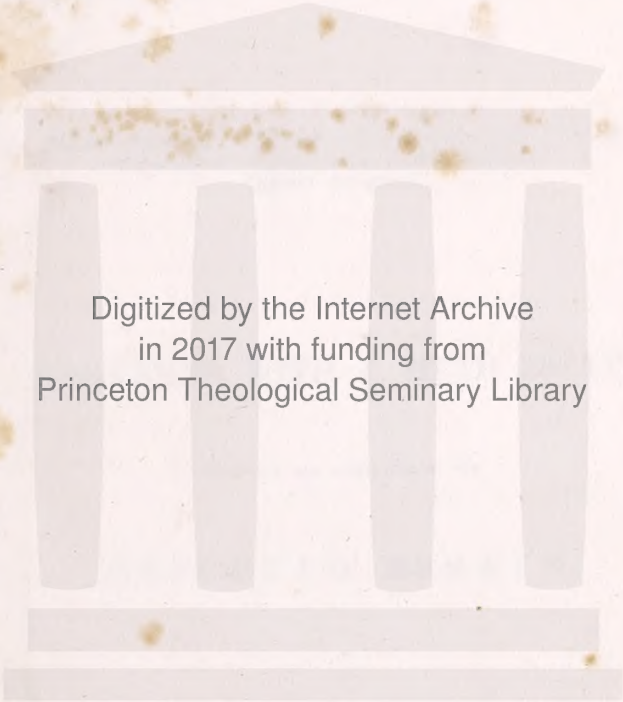
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PRIZE ESSAYS

ON A

CONGRESS OF NATIONS,

FOR THE ADJUSTMENT OF INTERNATIONAL DISPUTES, AND FOR THE PROMOTION OF UNIVERSAL PEACE WITHOUT RESORT TO ARMS.

TOGETHER WITH A SIXTH ESSAY,

COMPRISING THE SUBSTANCE OF THE

REJECTED ESSAYS.

BOSTON:
PUBLISHED BY WHIPPLE & DAMRELL,
FOR THE AMERICAN PEACE SOCIETY.
1840.

WILLIAM S. DAMRELL, PRINTER,
No. 9 Cornhill, Boston.

PREFACE.

A CONGRESS OF NATIONS has been a favorite plan with the American Peace Society, ever since its first organization at New York, in 1828. At the first annual meeting, a premium of thirty dollars was offered for the best Essay on the subject of a Congress of Nations, which was subsequently raised to fifty dollars, but without any adequate result; for, although four or five Essays were presented, one only was thought to have any merit; and that had but little; but it was published by the Society, and pretty extensively circulated and read.

As these low offers of the Peace Society did not produce the desired effect, two gentlemen of New York, in the year 1831, offered, through the periodical of the Society, but without taking any vote of the board of directors, five hundred dollars for the best Essay on a Congress of Nations, and one hundred for the second best; and the Hon. Joseph Story, Wm. Wirt and John M'Lean were appointed as the committee to award the premium. About forty Essays were handed in for this prize. The

committee of award could not agree on any one Essay as superior to the others, but recommended that the premium should be divided among five of the best, which they designated.* This plan did not suit the gentlemen who offered the premium, and they did not consider themselves bound by it. They therefore rejected it, and immediately raised the premium to one thousand dollars for the best Essay only, and extended the time of receiving the Essays to the 20th of June, 1834; and they appointed the Hon. John Q. Adams, Chancellor Kent and Thomas S. Grimké the committee of award. The much lamented Grimké died of the cholera, in 1834, by which the cause of Peace suffered an irreparable loss. The Hon. Daniel Webster consented to take his place in the committee. But one other Essay was offered under the enlarged premium, though some were withdrawn and published by their authors in one form or another. The second committee were no more fortunate than the first, and could not agree

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* *Award of the Committee.*—The subscribers, according to the request of the committee of the American Peace Society, have carefully read the several Essays which have been transmitted to them by the committee, for the purpose of awarding the prizes authorized by the Society for the two Essays.

Upon full consideration, they are of opinion that five of the Essays possess very high merit; and that their merit is so nearly equal, and yet of so distinct a character, that injustice would be done by awarding the highest prize to any one, to the exclusion of the others. With a view, therefore, to a just distribution of the prizes, and, as the best means of accomplishing the important objects of the Society, they respectfully recommend, in lieu of the prizes, as proposed by the Society, that the whole sum of six hundred dollars should be equally divided among the authors of these five Essays; and that each of them should be published for general distribution.

In testimony whereof, we have hereunto set our hands, this 29th day of April, 1833.

JOSEPH STORY,
WM. WIRT,
JOHN M'LEAN.

in awarding the prize to any one candidate; and it was found impossible to get either committee to revise their labors, being gentlemen of high standing in society, and their time precious; and the gentlemen who offered the prize declined having any thing further to do with the business.*

This placed the American Peace Society in a very awkward predicament. They had suffered their periodical to be used for giving publicity to the offer of the premium; and they felt that they were in honor bound to see that the best writers should not go altogether unrewarded. The President of the Society read the Essays, and found that they contained matter too good to be lost to the world; and the Society authorized him, together with such other person as he should choose out of the Executive Committee, to select five of the best Essays, regarding, but not being bound by, the previous awards, to be published in a volume, together with a sixth Essay, composed by the President, and containing all the matter relevant to the subject which was elicited by the rejected Essays, with such other remarks as might occur to him. The Committee obtained all they could of these Essays, amounting tothirty-five. How many were

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* *Award of the second Committee.*—The referees, to whom were submitted, by the Secretary of the American Peace Society, the several Essays offered for the premium of one thousand dollars, are of opinion, that among the Essays submitted, there is not one so decidedly superior to all the rest as not only to be worthy of the prize, but exclusively worthy. And as the Essays were submitted on that condition, the referees do not make any award in the case.

JOHN QUINCY ADAMS,
JAMES KENT,
DANIEL WEBSTER.

February, 1837.

withdrawn, they have no means of knowing. Many of the Essays had no accompanying sealed paper, with a corresponding signature, and but few of these papers were ever obtained by the publishing committee, who selected those Essays which they considered the best, in which selection they have the happiness to agree with the distinguished gentlemen of the first two committees.

Several of the rejected Essays were equal, and perhaps superior, to those selected; but they were only introductory to the subject of a Congress of Nations. They were very good Essays on the general subject of Peace and War; and it is very desirable that they should be given to the public; but they contained very few remarks on the subject of a Congress of Nations, which was the object of those who offered the premium, as well as of the Peace Society, and to publish them would not answer the purpose intended. Probably the reader of the volume will think that we have retained too much introduction, and that the portico is larger than the temple. We have placed the Essay which had most of introduction first in order, so that the reader will find less of it in the subsequent Essays.

The author of the first Essay is JOHN A. BOLLES, Esq., a member of the bar in Boston, Massachusetts. As has been already observed, a great part of this Essay is taken up in an introduction to the subject. There are in it some very severe remarks on the Holy Alliance and the partition of Poland, which were retained by mistake. It was intended to omit them, as we do not expect to drive either monarchs or private citizens into our measures by reproaches; but to draw them by

persuasion acting on their self-love and their philanthropy.

The second Essay, by HAMILTON, is one of those of which the committee of publication have no means of ascertaining its author, until he shall make himself known. This Essay contains many valuable thoughts, but there is great want of arrangement, and, consequently, much repetition. The style is often very much involved and obscure. It must be read with the very closest attention, and then it will repay the labor of the perusal; for many of the thoughts, when one gets at them, are rich and original. This Essay stood high on the list of one of the most distinguished of the former umpires. Nevertheless, we should advise the reader, — particularly if he has not time to read the whole volume, — to pass over this Essay until he has read the others. If it should be asked why the publishing committee chose this Essay, with all its faults, we answer, that, though among the rejected Essays were some superior to this in point of thought and composition, there is not one so much to the purpose; which is, to elicit discussion on the subject of a Congress of Nations, and not on the general subject of Peace and War. Besides this, the publishing committee had an eye to the opinions of the previous committees, and this influenced the choice.

The third Essay, signed M., the author of which, for the reasons above stated, is at present unknown, is very beautiful in its language, and its style is perspicuous; but it does not enter *deeply* into the subject of a Congress of Nations, nor take so *practical* a view of it as is desirable; but there is too much of a general nature in it.

There is also in it some confusion of ideas on the subject of adjudication. This must ever be the case with all those who make no distinction between the *legislative* and *judicial* functions of a Congress and Court of Nations. These functions can never be safely entrusted to the same hands. We see that, in the best regulated governments, they are distinct branches; and that this distinction is absolutely necessary to civil liberty. Too much power should never be entrusted to one body of men. By dividing the power between two or more distinct bodies, we increase the responsibility, and secure our own privileges. It is not likely, however, that this distinction would readily occur to every writer on a Congress of Nations, for it does not appear, or appears very faintly, in any previous plan of international government.

The fourth Essay is by Professor Upham, of Bowdoin College, in Maine. This Essay has been already once or twice before the public; having been, in part, published in the Christian Mirror, a religious newspaper, and in the Manual of Peace, an octavo volume. Mr. Upham enters at once into his subject; and, as he has before, in his Manual of Peace, treated on most of the subjects of international law, he does not notice these topics in his Essay on a Congress of Nations, which was once proposed for the premium, but withdrawn, on account of the delay in rendering the award. In this Essay, Mr. Upham introduces some historical notices of various congresses, and objects of attention for a Congress of Nations, such as improvement in the law of nations—military regulations in time of peace—extinction of the slave trade—a uniform system of weights and measures—insufficiency of

present modes of redress—objections to the proposed Congress, and circumstances favorable to it, and some other topics. The reader will observe that these topics are not much handled by the other writers; and, though much good would result to the world from the discussion of them in a Congress of Nations, there are other subjects of sufficient importance to call a general convention of delegates from all civilized and Christian nations.

The fifth Essay was written by a gentleman of New York, who chooses to remain unknown. This Essay was offered with the others, and was one of those marked as deserving of the prize; but was subsequently withdrawn, and published in a volume by itself. As the greater part of the published volume consists, like most of the rejected Essays, of an introduction to the subject, or general remarks on Peace and War, only the concluding remarks of that Essay are republished in this volume, as the only part bearing particularly on a Congress of Nations. Many good and original ideas will be found in this Essay.

Of the sixth and last Essay, it does not become us to say much. The author has endeavored to comprise all the thoughts on a Congress of Nations, contained in the rejected Essays, worth preserving. He differs from all the other Essays, either accepted or rejected, in dividing the subject into two parts, viz., a *Congress* of Nations, for the purpose of settling the principles of international law; and a *Court* of Nations, for the adjudication of cases submitted to it by the mutual consent of two or more contending nations. He has studied brevity, perspicuity, and arrangement, rather than a fine style of writing. His Essay

consists chiefly of a statement of facts, the general history of former attempts at a Congress of Nations, and of the peace enterprise in this country and in Europe, so far as it relates to a Congress of Nations, together with a copious Appendix, containing many of the petitions to legislative bodies, and all their reports and resolves on them.

With the question of the lawfulness of defensive war, or its consistency with the spirit of the gospel, these Essays have nothing to do. It is entirely irrelevant to the subject. This is common ground, on which men, of opposite sentiments with respect to the consistency of defensive war with the gospel, may meet; provided only that they are friends of Peace, and prefer it to war, and allow to civil governments the power of seeking the things which make for Peace.

The repetition of ideas is not so great in these Essays as one would expect. The subject being new, different thoughts have been elicited; and this was the chief object in offering the premium. There is doubtless great imperfection in any plan of an international congress, which has ever been devised. But a man of moderate talents, by always viewing a subject by itself, and intensely beholding it, and examining it in all its bearings, will understand it better than a superior genius who gives it only a passing notice. If the publication of these Essays shall attract the attention of some man of superior talents, and induce him to offer a better plan for the abolition of the custom of war, the chief object of the American Peace Society, in publishing these Essays, will be answered. The conversation of two obscure individuals, concerning the distribution of the Bible in Wales, gave rise to the

British and Foreign Bible Society,—the parent of all the other Bible societies in the world. May a similar success attend the endeavors of the friends of Peace of the present generation.

In order to obtain this result, it is necessary that this volume, or some better treatise on the subject, should be distributed as widely as possible. It is the intention of the American Peace Society to present a copy of it to the President of the United States, the heads of departments, the Governors of every State in the Union, to every foreign ambassador in Washington, and to every crowned head in Europe, and to the executive of every republic in America.* The London Peace Society are expected to assist in the general circulation of the volume, and to present a copy of it to every foreign ambassador in the principal courts in Europe. They have engaged to take two hundred and fifty copies of the work. It is desirable that all our colleges, academies and law schools, and all our public libraries should be furnished with a copy; and for this purpose those friends of Peace, who have subscribed for more than one copy, are requested to present a volume to those institutions which may be in their neighborhood.

The London Peace Society have offered a premium of one hundred guineas for the best Essay on Peace and War, and twenty guineas for the second best, in which it is

* The Hon. John Q. Adams, who has read all these Essays, thus expresses himself, in a letter, dated September 4, 1838, to the President of the American Peace Society: "The publication of the five dissertations, and the distribution of them among the princes and rulers of nations, will awaken and keep alive the attention, both of Europe and America, to the subject."

expected that a Congress of Nations will form a prominent feature; and it is expected that they will invite the friends of Peace in this country, and on the continent of Europe, to write for the prize. We hope that many Essays will go from this country; and that thus, by a mutual interchange of sentiment, and the action of mind upon mind, and of opinion upon opinion, a plan will at length be struck out, which will unite all the friends of Peace in both hemispheres in the object; and then governments must follow, of course, for OPINION rules the world; and, though we cannot expect perfection in the first attempt, we may reasonably expect that great good will be done, many wars be prevented, and their evils diminished; and that, at length, nations will submit all their disputes to the decision of reason, like rational creatures, and no longer look to brute force as the only arbiter of national disputes; and that, finally, the useless sword will be beaten to a ploughshare, and the nations learn war no more.

But these great events cannot be expected without a sacrifice,—and the prominent friends of Peace have been called to make great individual sacrifices to maintain their cause. It is probable that even this book will cause great individual sacrifice, considering the numbers distributed gratuitously, the payment of the premiums to the successful writers, and the very low price at which the book is put to subscribers. Of this they do not complain; but they know that they are not able, even with these great sacrifices, sufficiently to support the cause. It requires much printing, lecturing and preaching, to bring the world to the same state of opinion and feeling on this subject which prevails in the State of Massachusetts, where the

cause is better understood than in any State in the Union; and hence the favorable results in her Legislature. When this shall have been effected, we know that the great plan of a Congress of Nations *must* go into operation, and millions of money saved, a small part of which would now insure success.

WILLIAM LADD,
GEO. C. BECKWITH.

BOSTON, FEBRUARY, 1840.

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E S S A Y

ON A

CONGRESS OF NATIONS,

FOR THE ADJUSTMENT OF INTERNATIONAL DISPUTES, AND FOR THE PROMOTION OF UNIVERSAL PEACE, WITHOUT RESORT TO ARMS.

By JOHN A. BOLLES.

INTRODUCTION.

The following Essay, upon "a Congress of Nations for the pacific adjustment of international disputes," is divided into four chapters.

In the first chapter, are set forth some of the arguments which prove the reasonableness of that doctrine, upon which are based all the hopes and all the labors of the friends of peace, namely, the doctrine that war will eventually give way to universal peace. The arguments adduced are apart from the testimony of divine Revelation, and are such as every human being, Christian or infidel, can alike appreciate.

Chapter second presents a brief outline of the history and character of international jurisprudence, intended, at once, to show the necessity which exists for a common tribunal, to determine the unsettled principles of this code of laws, and the probability that the projected Congress would supply that necessity.

The third chapter suggests the manner in which a Congress of Nations may be formed, and organized,—the

purposes of its creation,—the extent and nature of its jurisdiction,—its modes of operation,—and the sanctions that might be affixed to its decrees.

The fourth chapter embraces an inquiry into the question, of how much light is shed by history upon the subject of such a Congress, containing a comparison of the proposed tribunal with some of the most remarkable political alliances of ancient and modern times.

This whole field of inquiry is yet, comparatively, unexplored. It is hoped, that the following pages will, in some degree, excite and direct towards it the attention of wise and good men. It is the author's earnest desire, that what he has written may encourage other and abler writers to illuminate this most interesting and important subject with the strong light of genius and learning, and that, in process of time, the Almighty will raise up wise and powerful rulers, through whose recommendation and efforts, the peaceful system, herein developed, may be carried into active and successful operation.

He whose hands shall contribute to the accomplishment of this glorious result, when leaving the scene of his labors, may well take up the grateful exclamation of the patriarchal Simeon, uttered as his arms embraced the infant "PRINCE OF PEACE," "Now, Lord, lettest thou thy servant depart in peace, for mine eyes have seen thy salvation!"

BOSTON, 1834.

E S S A Y.

CHAPTER I.

REASONABLENESS OF THE BELIEF THAT WAR WILL EVENTUALLY CEASE—AND THE DUTIES ARISING FROM THAT BELIEF.

In the midst of the strife and warfare which have always existed amongst the family of man, bright visions of a happier era have arisen before the imagination of the poet, of the prophet, and of the philosopher. The poet, in

"Thoughts that breathe, and words that burn,"

has sung of a golden age of peace, long since passed away.* The philosopher has speculated upon the nature of man, and the tendency of the great current

* "*Aurea* prima sata est *ætas*, quæ vindice nullo,
Sponte sua, sine lege, fidem rectumque colebant.
———————— Sine militis usu
Mollia securæ peragebant otia mentes."
Ovid, *Metamorphoseon*, *Lib.* 1.

of human events, until his hopes have descried, in the far distant future, a sunny period, wherein the clangor of war shall be unheard,—its scenes of blood and wo unknown, and the world shall become a happy family, —a universal brotherhood. The prophet,* inspired by the wisdom of Heaven, has clearly foreseen, and boldly foretold, that an age is approaching, when peace shall cover, with her dove-like wings, the whole earth; when the lion and the lamb shall lie down in harmony together; when old battle-fields shall smile with the harvest of undisturbed husbandry, and men shall learn war no more.

There is no man so indifferent to the happiness of his fellow-creatures, that he would not rejoice to believe in the promises of prophecy, and behold the speedy and universal diffusion of the doctrines of peace and good-will to men. There is no Christian who can doubt that the predictions of holy men of old must, eventually, be accomplished. There is no reflecting person who, being familiar with the history of the past, and acquainted with the present condition of society, does not perceive abundant cause of hope and of belief, that ere-long the nations will repose from the contest of blood, and war be banished to the beasts of the forest and desert. Let us spend a few moments in examining the reasonableness of this hope and belief.

And, FIRST, *the nature of man* coincides with the voice of prophecy: his higher sentiments and

* Isaiah 11: 6—10.

affections, and his understanding are alike averse to war.

Amongst those elements of character which are found in every condition of human existence, and which are developed and strengthened by the progress of civilization, one powerful principle is *humanity*,—that quality of mind which leads us to pity and weep over the sufferings of others. In the breast of the savage, this principle is scarcely felt, and in his conduct seldom seen; but, though small and feeble, it does exist even there; and occasionally it has stayed the uplifted tomahawk, extinguished the blazing brand, or, perhaps, urged some, of gentle mood, like Pocahontas,* to interpose their own persons between the object and the instrument of barbarous vengeance.

The advancement of civilization, which we rejoice to believe is destined to unimpeded and accelerated speed,† strengthens and cultivates this principle, not merely by creating a thousand new relations between man and man, but by making known the evils which universally follow the violation of this law of our nature.

To this eternal and ever-growing principle, no plague that afflicts mankind is so much an object of dread and abhorrence, as war. Humanity shudders at the vast amount of suffering, the countless array of evil, the unmitigated misery, which follows in the

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* See *Hillard's Life of Smith*, in Vol. II of Sparks's American Biography.

† For an eloquent statement of this proposition, see *Irving's Columbus*, Vol. I, ch. vi.

train of war. It beholds the horrible waste of life, the equally enormous waste of property, the spoiling of domestic comfort, of the arts of life, of the noblest enterprises which employ the faculties of the learned and the good, the ruin of character, the fall of empire,—in short, the infinite evils, social, political and moral, which are the harvest of war, and, beholding them all, perceives in a vast majority of cases, not one solitary redeeming fact, or mitigating circumstance, to diminish the strong emotions of sorrow, of disgust, and of detestation, which are excited by this spectacle.

Such being the case, and it being certain that so long as man shall exist, this principle shall remain unaltered, and so long as war shall exist, these facts shall also continue unchanged, we cannot but feel confident that humanity will, at last, achieve a perfect triumph over the evil which it regrets, and that, by a process though slow yet certain, warfare will be driven from the confines of civilization. This confidence is greatly increased by the contemplation of the humanizing influences exerted upon man, in a myriad of forms, by the gospel of Christ, and by the intellectual cultivation of our race.

War is no less repulsive to the *understanding*, than shocking to humanity.

In the earlier stages of society, men are perhaps creatures of passion more than of reason, acting rather upon impulse than on reflection. But this feature of resemblance between the brute and human races is gradually worn away. The necessities of life call into exercise the higher faculties of the mind.

Every step taken to improve his condition expands the intellect of man. Every fact learned adds energy to his mental nature; he ascends, by slow and successive efforts, above mere sensuality and self; he becomes a reflecting and reasoning being, and at last reaches a point of elevation whence his eye looks down upon and ranges over the whole widely extended field of human enjoyment or suffering,—and thus, eventually, he learns to act with a rational regard to the best interests of himself and of his fellow-creatures.

To a person whose understanding is thus cultivated, no institution can appear more irrational, than war undertaken for the redress of national grievances.* We will present only a few of the aspects in which this subject may be viewed. The absurdity of war will be manifest, if we look at *its economy, its effect upon the feelings of the belligerents, or its political tendency.*

1. *The economy of war.*

To the student of history, there is nothing startling in the proposition, which all history demonstrates to be true, that there never yet has been an aggressive war, the direct and necessary losses of which have not far exceeded the total value of the object of controversy. If there be added to the *direct* loss occasioned by war, those other losses which always attend its progress as collateral circumstances, it may be broadly and boldly asserted, without the fear of

* War, undertaken without provocation, is not so much an absurdity as it is a crime.

contradiction, that there never yet has been an offensive war, which has not occasioned a loss of tenfold greater magnitude, than would have resulted from the abandonment of the whole subject matter of controversy.

Let us enumerate the particulars which make up the grand total of loss. They comprehend the property consumed in preparing for and sustaining hostilities; human lives, every one of which is taken from the productive classes of the community; the interruption of agriculture and the arts; the suspension of intellectual and moral culture, and the consequent degradation of popular character; the disturbance of the ordinary operation and administration of the laws, of which we shall soon speak more fully; and, finally, the creation of a large body of men,—the army,—who must, even after the war is closed, remain, for a long time, a burden upon the productive portion of the people.

These considerations are powerfully set forth in Burke's celebrated treatise in *vindication of natural society*, and furnish so striking a picture of the evils which have flowed from the abuse of government, as to make one doubt whether the author of that singular work were, with earnest sincerity, defending, or, with solemn irony, assailing, the doctrines therein set forth.*

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* *Burke's Works, Vol. I.* We are urged to give an extract from that Treatise, by way of illustrating some of our doctrines. We will quote the paragraph with which the writer concludes his estimate of the number of lives sacrificed in various wars:

It is a fortunate circumstance for the cause of peace, that warfare has always been so awfully expensive; and that, in an especial manner, the warfare of modern times is so prodigal of all that mankind deem valuable. Convince any man that his interest forbids him to do wrong, and you bind him to good conduct by golden chains. The dullest understanding, which can be found beneath the protection of a popular form of government, is able to appreciate the economy of peace. The intimate union between war and taxation makes every republican pause, before casting his vote for the former.

"I shall draw to a conclusion of this part, by making a general calculation of the whole. I think I have actually mentioned above *thirty-six millions.* I have not particularized any more. I do not pretend to exactness; therefore, for the sake of a general view, I shall lay together all those actually slain in battles, or who have perished in a no less miserable manner, by the other destructive consequences of war, from the beginning of the world to this day, in the four parts of it, at *a thousand times as much;* no exaggerated calculation, allowing for time and extent. I need not enlarge on those torrents of silent and inglorious blood which have glutted the thirsty sands of Afric, or discolored the polar snow, or fed the savage forests of America, for so many ages of continual war. Shall I, to justify my calculations from the charge of extravagance, add to the account those skirmishes which happen in all war, without being singly of sufficient dignity in mischief to merit a place in history, but which, by their frequency, compensate for this comparative innocence: shall I inflame the account by those general massacres which have devoured whole cities and nations; those wasting pestilences, those consuming famines, and all those furies that follow in the train of war? I have no need to exaggerate; and I have purposely avoided a parade of eloquence on this occasion. *I charge the whole of these effects on political society.* I avow the charge, and shall presently make it good, to your lordship's satisfaction."

The progress of liberty amongst mankind has brought this argument home to the citizens of many nations. Property is now, to a very considerable degree, diffused amongst the people, and so many individuals have substantial interests depending upon the conduct of public affairs, that trifling provocations, and matters of mere personal concern, cannot disturb the general peace.

The elevation of the common standard of knowledge and the progress of liberty, will do more and more to prevent the resort to arms, by resolving the question of war more and more into a question of political economy,—a problem of dollars and cents; thus furnishing another illustration of the benefits universally derived from reducing the elements of science to exact mathematical admeasurement.*

2. *The effect of war upon the disposition of the belligerents.*

The philosophy of war is very absurd. Men fight by armies, for the avowed purpose of *procuring peace* upon certain terms. They set on fire the evil passions of millions, in order to attain an ultimate state of amity and kind feeling. They destroy each other, for the sake of giving quiet and content to their survivors. Alas, for human nature! There never yet has been carried on a series of hostilities, the result of which was not a state of feeling far less favorable to pacific relations between the belligerent

* See *Sir J. F. W. Herschel's "Discourse on the Study of Natural Philosophy,"* §§ 115, 116. "It" (numerical precision) "is the very soul of science;"—and modern war is a *science*, as well as an art.

parties, than existed when the onset of battle was sounded. The victor is flushed and intoxicated with success; maddened by his cannibal draught of human blood; elated with pride. The vanquished, though trampled into dust, and bleeding at every vein, and glad to obtain a temporary repose, is animated with the undying spirit of vengeance; resolves in silence that the future shall atone for the past; and nurses the bloody purpose of complete revenge; consoling himself with the sentiments of Mazeppa, uttered as he "howled back his curse" upon those who bound him to the wild horse of the desert:

> "But time, at last, sets all things even;
> And if we do but watch the hour,
> There never yet was human power
> Which could evade, if unforgiven,
> The patient search, and vigil long,
> Of him who treasures up a wrong."*

Every rational man will, therefore, regard with equal apprehension the stimulus of victory and the provocation of defeat.

He who remembers that for centuries there has existed, between two of the most powerful and polished nations of Europe, an unslumbering spirit of jealous rivalry and hereditary unkindness, which sprang from their ancient, and has provoked their modern warfare, and still exists so strongly as to

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* *Byron's Mazeppa.* See a *Speech of Hon. Henry Clay,* in the House of Representatives, *on the Seminole Debate,* for a further proof of the effect of defeat.

render the strait of Dover a broader barrier between those states, than is the ocean itself between the eastern and western continents; he who recollects that the wars of our Revolution, and of 1812,* generated a national hostility which many a long year of peace will, in vain, endeavor to remove, and which will remain for ever a stain upon the literary history of the two nations,—he who remembers these, and other facts of kindred character, will readily confess that every war, however just, and whatever be its result, but serves to prepare the way for future and more aggravated hostility; that it but fertilizes with human blood the dark soil of national hate, and sows the seeds of still fiercer contentions.

2. *The political tendency of war.*

At the conclusion of the American revolutionary war,—a war which admits of greater apology than any other ever undertaken without the express direction of Deity,—the people of this country were universally attached, by the most powerful ties of gratitude and admiration, to *him* whose guidance, under God, had safely led them through the perilous conflict. They were ready to follow him wheresoever he led, and to obey whatsoever he commanded. His veteran soldiers, companions in many a well fought field, and brethren in sufferings, were yet more ardently devoted to their WASHINGTON. They would have made all sacrifices, and dared all perils,

* "A war which ended in a treaty that settled nothing, and made no allusion to the causes of the war!"—*Encyclopædia Americana.*

and done all that man can do, at his bidding. They were inflamed with anger by the unkind neglect of Congress,—they felt strong in arms,—they were ready to march against the capitol. Had not Washington possessed a virtue such as falls to the lot of but few, he would have obeyed the call of his soldiery; he would have converted his great personal influence into an engine of political evil, and these United States would still have been remote from freedom, or would have purchased freedom at the price of protracted war, with the blood of those who had fought in our defence.*

This single example, which is solitary in history, because it resulted in the display of virtue which could not be corrupted or seduced, furnishes a just exhibition of the political tendency of war, and teaches us that a people, anxious to retain the possession of free institutions, must avoid, to the utmost, the hazards of warfare.

The spirit of liberty may excite to fierce hostility with an oppressor, and may struggle on in its resistance to foreign tyranny, for centuries:

> "For Freedom's battle, once begun,
> Bequeathed by bleeding sire to son,
> Though baffled oft, is always won!"

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* See *Ramsay's Life of Washington*, ch. ix, and other histories of that date. History furnishes no finer illustration of moral grandeur, than was afforded by the meeting of officers assembled by Washington, in consequence of the celebrated Newburg Address. The words of Washington were true: "Had this day been wanting, the world had never seen the last stage of perfection to which human nature is capable of attaining."

But against the growth of domestic tyranny, war is no protection,—it is but a choice of masters.

The existence of war within the territory of any country suspends, of course, the ordinary operations of government, as well as the ordinary administration of the laws. Authority must be concentrated, and exercised by a few; all the rights of person and property must be put under dictatorial control; force is substituted for law; and the body politic is placed as completely at the mercy of its rulers, as is the physical system, in the hour of extremity, at the control of the physician.

The power thus given is, as a general rule, resigned with reluctance; the grasp of ambition is like the miser's clutch, relaxed only in death; and history teaches us that we must find a hundred Buonapartes where there appears but a single Washington.

This disposition of individuals in power is strengthened and aided by that separation, which is placed by war between the military and the people; a separation in character, habits, and interests. The soldier acquires the habit of unquestioning obedience to his commander, while at the same time he loses all respect for any other form of legal restraint; he becomes accustomed to the violence and rude license of warfare, and learns to despise or dislike the sober and orderly industry of civil life. Armies are always grossly immoral. They may sometimes possess virtuous officers, and some good and pious soldiers; but, as bodies of men, they are always deeply debased in moral character,—addicted

to the indulgence of every passion that degrades and lust that brutalizes man.

If we need any proof of this assertion, we may find it in the fact, that intemperance,—that vice which has so long and so grossly disgraced our country,—was introduced by our early wars; and that the larger number of those who now survive those wars as pensioners upon the public bounty, are intemperate men.

An army is, therefore, the readiest, and has ever been the inseparable, agent of ambition.

A protracted war prepares the people at large to submit to usurped authority, and does this in several ways. By surrounding them with violent evils, it accustoms them to violent remedies, and the exercise of arbitrary power. Fatiguing them by prolonged conflict, it renders them content with whatsoever authority is able to reduce that conflict to calm, as the Romans, after an age of violence and blood, submitted gladly to the despotism of Octavius Cæsar.

By suspending the operations of the ordinary means of intellectual and moral culture, it compels a vast retrogression in national character, diminishing both the inclination and the ability for self-government.*

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* The history of the Mexican Revolution furnishes some of the most forcible illustrations of the certain corruption and degradation of public character, in both a moral and political aspect, occasioned by a protracted war even for freedom and popular rights. Fifteen years' conflict with Spain and Spanish tyranny converted that country into a camp, and begot a race of men, in the generals and leaders, who would not abandon their hold on power at the call of peace; and another race of men in the soldiers at large, who would not submit to

Whenever, therefore, a nation engages in war, it does so at the imminent hazard of losing every popular feature in its government, every shadow of freedom which it possesses.

Enough has been said, we think, to establish our proposition, that the practice of war, as a mode of adjusting national difficulties, is repugnant to the human understanding, and that it must eventually give way to some more rational means of adjustment.

The remarks which we have made have been directed towards those wars which are undertaken on what are commonly deemed sufficient grounds of hostility. Of course, they apply with tenfold force to all such national contests as are not thus commenced,—contests which form by far the largest class of wars.

In addition to the arguments already mentioned, there are many others, which are drawn from the circumstances and character of the age, and which lead the friends of peace to the same consolatory belief. Of these we will allude to only three, namely:

1. The effect which has been produced upon national character by the extensive application, in modern times, of scientific principles to the arts of life.

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the meek and quiet yoke of civil authority. Hence the constant and disgraceful broils and difficulties, conspiracies, revolts, and intestine wars, which, from the acquisition of its independence to this hour, have convulsed that republic, and rendered it a by-word to the world. See Ward's "Mexico in 1827," and the American Quarterly Review, Nos. 7, 14 and 15.

2. The influence which modern commerce has exerted upon international relations.

3. The tendency of that spirit of associated effort, that spirit of combination, which is so striking a peculiarity of the present age.

These are not the only circumstances which furnish argument to the philanthropist; but they are sufficient for our present purpose. We will, therefore, endeavor to show in what manner they shed light upon the doctrines of peace.

1. *The influence of the application of science to the arts of life, upon national character.*

Man, in a savage state, can scarcely keep himself and his dependents from starvation, and from the various inconveniences of climate, even by incessant toil; and if he succeed in doing this, his food is of the coarsest sort, his clothing of the simplest character, and his wigwam or kraal of the rudest description.

By the efforts of ages, a slow succession of improvements is produced in his condition, until he is at last elevated to a considerable degree of individual comfort and dignity of character.

But in the most favored states of society, until very recently, the condition of man has been such, that his mere bodily necessities have demanded almost the whole of his time and labor.

It is now no longer thus. Learning has gradually conquered to the purposes of man all the elements and energies of nature; the principles which men of science have discovered and applied to meliorate the condition of their race, have been so wonderfully

rapid and successful in their effects, that the productive power of almost every individual in Christendom has been doubled within a hundred years; and, in a vast number of cases, increased a hundred-fold. In consequence of this change, the bodily wants of every man are now so easily supplied, that a large amount of time remains for the purposes of accumulation, of intellectual and moral culture, and of grateful repose from exhausting toil.

Under the influence of these causes, there has sprung into existence a new and powerful class of citizens in every modern state, — the great middling class, — who, in respect of property, are neither poor nor rich; in respect of knowledge, are neither learned nor ignorant, and in respect of numbers and political power, outweigh and exceed both the extreme divisions of society.

This application of scientific principles has not been limited to those arts alone which assist in the accumulation of wealth, but has extended to such as facilitate the diffusion of knowledge. Thus, if the employment of steam as a moving power, in an engine fitted to travel upon a railroad, has carried to every man's door the productions of every climate, or has conveyed to a profitable market the before valueless products of his own labor, the application of the same propelling power to the printing press, has filled the world with knowledge.

It requires but a slight acquaintance with modern history, to furnish an army of facts illustrating the influence of the familiar circumstances mentioned

above; nor does it need profound sagacity to discover the relation which exists between the condition of society thus produced, and the prevalence of a pacific spirit amongst mankind.

Liberal political principles have been called into existence, and claimed as the right of this novel state of things; this new and numerous class in society have become the possessors of power, and hence the increasingly popular form of governments. The course of public policy is no longer under the control of the few; the materials of our armies are no longer men who have no interest in preserving peace, no longer vassals who owe, or subjects who will render, an unreflecting homage or obedience to their civil or military chieftains. War is now, in effect, declared by the uplifted hands, and by the united voice, of the majority of freemen; it is carried on by the money and the swords of the voters, and has, consequently, become the manifestation of universal feelings and opinions instead of the mere index of individual hostility. Every soldier that falls leaves vacant a valuable place in the community, and diminishes the number of productive citizens. Every dollar that is spent is felt as a loss by multitudes who bear the burden of self-imposed taxation. And, while the people, who have thus grasped the sceptre of political power, are those who feel the toil, the expense, and all the other evils of war, they have been so educated as to regard with abhorrence the infliction of suffering, the sacrifice of life, and the waste of property. Their pleasure is not, like that of savages, in the cruel

sports of arms; they have learned to prefer the calm enjoyments of peace; the delights of social life; the joys of the fireside and study. Their habits are habits of industry, of accumulation, of regard for the laws, and peaceable and orderly behaviour. And thus has knowledge, which at first drove our progenitors from the garden of Eden, and the favor of God, done much, in the long lapse of ages, and under the mild reign of Christianity, towards restoring man to the character and enjoyments of an earthly paradise; and thus does it promise, that while its first fruit, beyond the forbidden gate, was the bloodshed of a brother, its ultimate fruits shall be "peace on earth and good-will to men."

2. *The influence of commerce upon international relations.*

The commerce of antiquity was so feeble and timid, that it trembled to cross a narrow strait or a lofty range of hills. But now the spirit of enterprise has the whole world for its field of action, and wheresoever the fruits of human labor, or the spontaneous productions of nature, offer themselves to the hand of gain, there go our merchants and our merchantmen; there go the arts of civilization, and there, sooner or later, goes the Christian religion. Distance is forgotten in the march of interest; the spirit of gain knows no difference of country, or language, or government, but recognizes a home wherever it can engage in traffic, and a brother in every individual with whom it can drive a bargain. Thus it is binding together, by the strong ties of

a common interest and of community of pursuits, the remotest members of the family of man. It is constantly diminishing the feelings of locality, —sweeping away the remembrance of national divisions, and converting mankind into brethren; thus creating what has been beautifully called a "great commonwealth of nations."* The sentiment of the old Roman dramatist† is the motto of modern commerce:

"Nil humani a me alienum puto."

It is now no uncommon thing for a commercial house to be equally interested in the welfare of several governments, by extending its branches to several different countries. Remote countries being thus made neighbors by business relations, and the great interests of commerce being sure to suffer by war, the probability of war is consequently diminished. If a London banker have become the creditor of France and Russia,—if he be interested in the funded property of the United States, if he have also large commercial relations with India, east and west, the voice of war in any direction is to him the herald of calamity; and the whole weight of his influence, —an influence vast in exact proportion to his business relations,—will be thrown into the scale of peace. Such men may wave aloft the olive branch of

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* See *American Encyclopædia*, Art., *Diplomacy*. *Kent's Commentaries*, Vol. I, Lect. 1.

† *Terence*. "I deem no man a foreigner." The audience received this noble sentiment with rapturous applause.

universal harmony, and become the messengers of glad tidings to all people.

That day will be glorious in the annals of peace, which, by the removal of every existing impediment to the absolute freedom of commerce, shall throw open to the world every market for its commodities, and introduce to the knowledge of mankind, as necessaries of life, the varied productions of every climate; for then shall international dependence be so far increased, that no solitary government could long endure a state of hostility with any other; but all would be compelled to unite in willing friendship.

Even under existing restrictions, however, the influence of commerce is salutary beyond expression, in creating a disposition of amity and peace.

3. *The influence of the spirit of association,*—or, in other words, the benevolent spirit of modern times.

Perhaps the most remarkable feature of the present age, is that tendency to associated effort, which is creating so many societies of a religious, a moral, a scientific, or a business character;—a tendency which manifests itself in a thousand forms of loveliness and promise, which is extending its operations with astonishing rapidity throughout the world, and is every where elevating the character of mankind, and binding them, by the ties of both interest and affection, to the cause of peace.

The influence of a single religious society may be illustrated by the effects which such a society has produced upon the condition of the Sandwich Islands.

Those islands "were a public brothel for every vessel that floated on the bosom of the Pacific; they were the resort of men, whose vice was too flagrant to be endured by respectable connections in a civilized land; they had become a nuisance to the world. Virtue, which had successfully resisted the allurements of vice in Great Britain and America, here generally yielded to the torrent of overwhelming debauchery."* They were the very sink and sewer of the world's iniquity. But now, by the efforts of the American Missionary Society, the whole scene is changed. These islands are filled with a Christian population, blessed with a Christian ministry, with a multitude of schools, with a national language, and with the institutions of a civilized and well-ordered state, and their commerce is rapidly increasing. Gratitude will render their affection for America perpetual.†

Every missionary association is thus civilizing and

* *American Quarterly Review*, No. VI, June, 1838, pp. 352-5-7. *Journal of a Voyage to the Pacific Ocean*, &c., by C. S. STEWART.

† The same Review thus speaks of the influence of continued religious effort. (p. 347.) "The precept, *Thou shalt love thy neighbor as thyself*, has not only awakened anew the energies of Christendom, but has directed them to objects heretofore forgotten. It has enkindled a general sympathy for the suffering slave. It has established Sabbath schools in almost every hamlet throughout Christendom, and is rescuing millions from ignorance and vice. It is enlisting the noblest minds of Great Britain in an effort to pour the light of science on the poorest classes of society, and promises, in the result, to make every mechanic of every degree a well-educated man. It is this same spirit *which has united every sect* in an effort to send the Bible to every individual upon earth, and which is also sending men to explain and enforce its precepts to every nation under heaven."

Christianizing mankind, and uniting remotest people by the ties of kindness.

Scientific associations are also doing much to diffuse a spirit of kindness and of fellow-feeling. Wherever established, they admit to membership and correspondence the learned of foreign nations, and extend their inquiries and send their travellers to every land. A vast number of the disciples of science are thus made citizens of the world, and, consequently, enemies of war. This searching spirit of learned inquiry has carried the Landers to the heart of Africa, and Herschel to its southern cape; it guided the vessel of Ross to the arctic pole, and has just discovered an unknown continent in the Antarctic ocean.* Thus, in the language of prophecy, are brought together the ends of the earth, and thus a fraternal feeling is every where diffused.

Do we not, therefore, find, apart from those promises in Scripture, to which the eye of faith is ever turned with delight, abundant reasons for believing that the time is at hand, when "men shall learn war no more?"

The predictions of the Bible, as we have shown, are sustained by the constitution of man, by the condition of society, and by the course of events. The practice of war is at variance with our moral and social nature, with our intellectual constitution, with all the grand indications of the age. It is a system of cruelty, of prodigality, of political evil and

* This discovery was, in 1834, supposed to have actually been made.

danger; it is immoral, anti-republican, opposed to that commercial spirit which is making all men partners in business, to the interests of that great middling class of society which bears sway in all popular governments, and to that disposition of the age to associated labor, which has already done much to harmonize the family of nations. It is a practice that sprang up in a barbarous age, that has slowly fallen into decay and disuse with the advancement of civilization, and that must, eventually, be expelled by the power of civilization and Christianity from the earth.

To the voice of inspired prophecy the Christian recurs with increasing faith, after having thus demonstrated by the aid of his own understanding, the reasonableness of its predictions. The Scriptures inform us, in language whose beauty and force have never been surpassed, that the prevalence of war shall at last be terminated; that its ravages shall be known only in history; that unbroken peace shall descend upon the nations; and mankind every where live in the practice of those mild and friendly principles which are the essence of Christianity.

From our belief in the reasonableness of the foregoing arguments, and from our faith in scriptural promises, arise important duties. It cannot be right to remain idle under such convictions. We are called upon to act as well as to reflect. The organization and efforts of the Peace Society are the results of endeavors to discharge this duty; and the same active spirit has given birth to the following treatise, on a Congress of Nations for the amicable adjustment of national differences.

CHAPTER II.

OF THE LAWS BY WHICH NATIONAL INTERCOURSE IS REGULATED.

BEFORE proceeding to the direct consideration of a Congress of Nations, it will be well to bestow a brief examination upon those rules which now regulate international affairs, inquiring into their character, origin and influence. This examination will prepare us the better to comprehend the necessity of such a Congress, and the manner in which it might be organized and conducted.

It may seem a little out of place, to treat of this branch of the proposed jurisdiction of an international tribunal, before examining more generally as to the formation, constitution, objects, powers and sanctions of such a body. But, nevertheless, we believe, that this departure from a rigid analysis will be found beneficial, in establishing the position, that an international Congress of some sort is a want of the age.

The creation of a code of rules for the regulation of states in their intercourse with each other, whether in peace or war, is manifestly an event propitious to the cause of peace. Laws, even the laws of war, are salutary checks and useful guides; and, not less among states than among individuals, a standard of conduct once established and recognized, is certain to

prevent many causes of offence and misunderstanding during the existence of friendly relations, and to mitigate the ferocity, and soften the hardness and cruelty of a state of hostility.

The absence of such a code of regulations, or ignorance thereof, and conflicting views and opinions in regard thereto, all of which might be, in a degree, if not absolutely, prevented, by the proposed Congress, are the causes of a large portion of the contests between governments.

A sketch of the manner in which the recognized rules of national law originated, of the character of those rules, of their sanction, of their defects, both in substance and administration, and of the present modes of diplomatic intercourse, will, we think, go far to demonstrate our proposition, above stated, that a Congress of states is one of the wants of the age, and might, by its influence upon the "*jura belli ac pacis*," do much to confirm, increase and extend that friendly feeling between independent nations, which forms one of the most delightful features of the present day.

Nations are properly regarded as moral persons, upon whom devolve certain duties, and to whom belong certain rights.* In their intercourse with each other, and in their conduct towards their own citizens, they are subject to the same obligations which are binding upon man in his dealings with fellow-man.

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* Chancellor *Kent's* "*Commentaries on American Law*," Vol. I, c. 1, p. 3.

This principle is laid down in all treatises of national law.—*Vattel's Law of Nations*, p. 1.

It is manifest, that as soon as civil society was formed, there must have arisen some system of rules, however slight and imperfect, by which the conduct of one society towards another might be regulated. The inevitable intercourse of such societies would give rise to such a system.*

This system of rules is of a twofold nature, namely, those which are drawn from and based upon the preceding principles, which are of universal obligation, and constitute what is called the *universal law* of nations;† and those, which, originating in the convenience of societies, in relation to subjects which are not referable to the mere rule of right, are adopted by silent consent or by express agreement, and so acquire the force and dignity of laws. These last form what is denominated the *positive law* of nations.‡

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* Thus a distinction would be made between a state of enmity and a state of friendship, whence would originate rights peculiar to each,—*Jura Belli ac Pacis.* The principles of honesty would be found essential to commercial transactions, and some degree of good faith would attach to express national compacts or treaties. It has been declared by Plato (*De Republica*, i), and by Cicero (*De Officiis*, ii, 11), that no community, not even of robbers, could exist, without some regard to law. The Roman College of Heralds was an institution which had its rise in a sense of duty towards even offending and hostile states.

† Vattel calls it the *necessary* and Grotius the *internal law* of nations. Hobbes (*De Cive*, c. xiv, § 4), and Burlamaqui (*Natural and Political Law*, part 2, c. vi, § 5), declare *natural* law and national law to be identical; and deduce this doctrine from the fact that nations are moral and individual beings. So Puffendorf, Barbeyrac, De Wolf, and Vattel. See Vattel's Law of Nations, *Introduction.*

‡ Grotius (*De Jure Belli ac Pacis, Proleg.*, § 1) says, that national law has a threefold origin, namely: 1st, natural law; 2d, revealed law; and 3d, custom:—"Sive ab ipsa *natura* profectum, aut *divinis* constitutum *legibus*, sive moribus et pacto tacito introductum."

The duty of obeying them is a principle of the code universal, which commands us to be true to our engagements.*

The universal law of nations, as it now exists, is the growth of ages. It was necessarily rude and imperfect in its infancy, when the principles of natural law were scarcely studied and little understood, and when *might* was supposed to constitute *right*.† But as men emerged from their early grossness into the light of reason, this law became the object of study and reform. It is, however, remarkable, that the progress of reform was so slow and small for many centuries. It is somewhat strongly stated by our Chancellor Kent (*Commentaries*, i, 4), that "the most refined states amongst the ancients seem to have had no conception of the moral obligations of justice and humanity, and there was no such thing in existence as international law." Thus a foreigner was almost universally regarded as a foe,‡ and the states of Greece tolerated piracy in the brightest era of their glory.

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* Burlamaqui, part 2, c. vi, § 9.

† Grotius (*De Jure Belli ac Pacis*) informs us, that in his day this abominable doctrine was upheld, not merely by vulgar opinion, but by learned authority. In assigning the reasons which prompted him to compose his famous work, he says, "*In omnium ferme ore est Euphemi dictum apud Thucididem, regi aut civitatis imperium habenti, nihil injustum quod utile; cui simile illud, in summa fortuna* ID ÆQUIUS QUOD VALIDIUS, *et rempublicam sine injuria geri non posse.*"—(Proleg., § 3.) For a translation of this, see *post*, p. 42. It may be suspected by some, perhaps, that such maxims have found credence in more recent days.

‡ Cicero, *De Officiis*, lib. 1, c. xii.

Yet even in the early ages of Greece, we find something resembling a Congress of Nations,—the Amphictyonic Council,—an assembly of delegates from independent states, established for the very purpose, among other things, of creating a national law, and adjusting national disputes; and occasionally the voice of their most enlightened philosophers was heard to condemn the loose principles and barbarous practices of their age.* The teachings of wise and good men, and the increase of commerce, and other modes of national intercourse produced a slow but constant improvement on the ancient state of things.

In Roman history, there is ample proof that some regard was paid to correct principles of national war. It is said by Varro,† that his countrymen considered it impious to engage in unjust war, and were therefore slow in declaring hostility. It is recorded by the historian Livy, as a saying of Camillus, that war had its laws as well as peace. (Lib. v, c. 27.) Sallust, in his Jugurtha (c. 91), condemns certain conduct as "*contra jus belli*,"—a violation of the law of war; thus proving that there were some rules by which the conduct of armies was governed. The philosophic and humane Cicero perceived and felt the full extent of the obligations of natural law as the rule of national conduct, and in the most eloquent and forcible manner he laid down and illustrated the principles of that

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* Aristotle wrote a treatise "*on the law of war*," which is lost.

† *De Vit. Pop. Rom.* There was a Roman adage illustrative of this fact,—"*Dum deliberant Romani capitur Sagunthus.*"

law.* It is a gratifying fact, that uninspired wisdom was able so clearly to perceive, and so eloquently advocate the law of nations.

In subsequent ages, within the Christian era, when the Roman civil code had reached its ultimate perfection, the law of nations was expressly recognized as a portion of the municipal regulations of the empire; and many of its principles were so correctly stated and so strongly established, that reference is still had, in cases of doubt, to the authority of that beautiful system.†

The influence of Christianity upon the rules of national intercourse has been very powerful and salutary. Chivalry, also, did much to improve the laws of warfare;‡ and the discovery of the Roman code, above alluded to, after it had been lost for centuries subsequent to the conquest of Rome by northern barbarians, directed the thoughts of all civilized Europe to this important department of jurisprudence. Christian jurists began to make this branch of law the subject of discussions and treatises, and the growing spirit of commerce gave to its principles an interest and consequence which they had never before possessed. National intercourse was greatly increased; treaties, articles of confederation and commercial conventions were multiplied, and thus both the universal and positive law of nations rose rapidly into existence and importance.

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* Cicero, De Officiis, lib. i, § 11; lib. iii, §§ 5—11.

† Kent's Commentaries, Lect. 1. Digest 1, 1, 9. Institutes, 1, 2, 1.

‡ Ward's Law of Nations, c. xiv.

But still the system lacked shape, compactness and consistency; and, until the days of Hugo Grotius, he, who wished to learn the law of nations, was obliged to search for its principles through a thousand scattered volumes, nor could he then be said to possess a definite comprehension of the science.

This great man, whose name should be dear to the friends of peace, "arose like a splendid luminary, dispelling darkness and confusion, and imparting light and security to the intercourse of nations."*

The motives of Grotius, and the nature, intent and result of his labors, are thus finely described by an author, whom every American is proud to name as his countryman:

"He found the sentiment universally prevalent, not only among the vulgar, but among men of reputed wisdom and learning, that war was a stranger to all justice, and that no commonwealth could be governed without injustice. The saying of Euphemus in Thucydides, he perceived to be in almost every one's mouth, that nothing which was useful was unjust.† Many persons, who were friends to justice in private life, made no account of it in a whole nation, and did not consider it as applicable to rulers. He perceived a horrible licentiousness and cruelty in war, throughout the Christian world, of which barbarians might be ashamed. When men took up

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* Kent, ut supra.

† The above is a translation of the substance of the remarks quoted from Grotius in the note to page 39.

arms, there was no longer any reverence for law either human or divine, and it seemed as if some malignant fury was sent forth into the world with a general license for the commission of all manner of wickedness and crime.

"The object of Grotius was to correct these false theories and pernicious maxims, by showing a community of sentiment among the wise and learned of all nations and ages, in favor of the natural law of morality. He likewise undertook to show that justice was of perpetual obligation, and essential to the well-being of every society, and that the great *commonwealth of nations* stood in need of law, and the observance of faith, and the practice of justice. His object was to digest into one systematic code the principles of public right, and to supply authorities for almost every possible case in the conduct of nations; and he had the honor of reducing the law of nations to a system, and of producing a work which has been resorted to, as the standard of authority in every succeeding age. The more it is studied, the more will our admiration be excited at the consummate execution of the plan, and the genius and erudition of the author."*

This illustrious writer on the "Jus Gentium," was born A. D. 1583, and by his life and works demonstrated the justice of his claims to that homage which all Europe acknowledged to be his due, while

* Kent's Commentaries, Lect. I. Ward's Law of Nations, *Preface.*

living, and which, now that he is dead, the whole world bestows upon his memory and his principles.

It is a singular fact, and one upon which we found strong hopes of the success of our plans, that a single individual, clothed with no official authority or sanction, but by the mere force of genius and learning, could have composed a work on jurisprudence, which should immediately acquire the authority of law, be considered of universal obligation, and be quoted with profound respect in every civilized tribunal.

Since the publication of the work of Grotius, many other writers, of splendid talents and erudition, have made the law of nations an object of study; and the names of Puffendorff, Bynkershoeck, Vattel, and others of kindred merit, are as familiar to our courts, and legislatures, and cabinets, as are the titles of our statute books.

Such has been their influence, acting upon the general mind and conscience, that this universal law of nations, though enforced by no earthly authority, is now recognized by every nation in Christendom as the basis of international negotiation. It controls the character and interpretation of treaties,* and, as a

* Nothing more strongly illustrates the wretched condition of this law, in former times, than the low and contemptible cunning displayed in the making and interpretation of treaties.[1] (*Montesquieu*, Grand. and Decad. des Rom. *Ward's Law of Nations*, Vol. I, p. 191.)

[1] An instance of this cunning is related by *Valerius Maximus* (l. 7, c. 3); Antiochus, being defeated by the Roman general, Labeo, agreed to surrender one half of his fleet. The Roman executed the treaty by cutting every galley in halves, thus ruining the whole.

universal common law, furnishes the rule of conduct in all cases omitted by treaty. It is resolvable into the simple and beautiful principle stated in Montesquieu,* "*that different nations ought to do each other as much good in peace, and as little harm in war, as possible, without injury to their true interest;*" or the still better maxim of Justinian, "*honeste vivere, alterum non lædere, suum cuique tribuere,*"—live uprightly, injure none, render to each his due. (*Inst.*, i, i, 3.)

These simple and fundamental maxims have been developed and illustrated, and, applied to the various exigences of national affairs, by publicists in their treatises on national law; and, under the influence of those principles and treatises, the frequency of wars in modern times has been greatly diminished and its horrors mitigated: and so firmly established are now the great leading doctrines of that code, that any infraction of them arouses the indignant rebuke of all Christendom. They are at times, even now, outraged; but the offender is sure, as a tribute to the violated rule of right, to accompany his crime with a thousand apologies and attempts at self-justification; and he is also sure to meet with the just vengeance of a frowning "commonwealth of nations;" both of which facts loudly proclaim the immense advance that has been made upon the ancient *regime* of unblushing and unrebuked outrage.

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* L'Esprit de Loix, b. i, c. 3.

But much remains yet to be done, before the world shall possess a thorough code, of acknowledged authority, in this great department of law. There are defects to remove, deficiencies to supply, discrepances to reconcile, and, above all, a higher sanction and increased weight of authority, to be created and enforced. The increased experience and wisdom of modern times have shed ample light on questions which were of old involved in obscurity. The unforeseen exigences of the present, having outrun the old rules and their applications, demand a corresponding reform and advancement in the law, and the intrinsic authority of truth and the weight of individual names, require to be succored and sustained by the auxiliary authority of some grand and imposing tribunal. That a Congress of delegates from the most enlightened states of Europe and America might assist in this reform, it is no absurdity to believe. We have no doubt that both departments of the law of nations, namely, that which, being founded on the broad principles of right, is called "the universal law of nations;" and that which, being suggested by the special condition or wants of any particular crisis or people, and established by compact, is called "the positive law of nations," might and would be materially improved, enlarged, harmonized, illustrated, and greatly increased in weight of authority, by the action of such a Congress.

In regard to the existing modes of national intercourse, and of adjusting national controversies

without resort to arms, defects and embarrassments which might be remedied, are still abundant.

Modern diplomacy originated in the era of Cardinal Richelieu. Since that period, the pacific intercourse of foreign states has been conducted by means of accredited agents, of all grades, from ambassadors down to charges d'affaires, residing near the foreign capital. These agents are a kind of states' attorneys, receiving instruction and authority from the cabinet at home, and representing the respective sovereignties by which they are appointed; and their precise rank or gradation, their powers, duties and immunities, are not yet sufficiently defined and acknowledged, to prevent occasional perplexity, embarrassment, or even controversy. And the functions of these agents are suspended the moment hostilities arise between the two powers. During the continuance of the rupture thus begun, if any intercourse is kept up, it is by a very vague and awkward system of special agencies and commissions.

There is no tribunal and no solemnly recognized mode of trying and adjusting in a pacific manner the causes of national quarrel. Arbitration is sometimes resorted to; or a third and friendly power interposes, at the risk of provoking additional quarrel by what may be resented as an impertinence. But, ordinarily, the bloody issue is joined without an effort made by an impartial and disinterested party to reconcile the belligerents, or prevent the effusion of blood.

The existing mode of state intercourse, has,

nevertheless, with all its defects, done much to favor the cause of peace, and there is a growing disposition to negotiate, and settle by argument, evidence and friendly compact, a hundred forms of dispute which were once deemed adequate and urgent cause of war. But these defects might readily be cured or diminished. Our proposed Congress might fully and clearly adjust all conflicting views as to the grade, duty, power and privilege of public ministers; might act as a third, and unprejudiced, dispassionate party, or board of referees, in all great cases of doubtful or disputed right, and, in case of actual war, might interpose friendly services and kind offices between the belligerents; and, in a variety of other ways, do much to remove many of the yet remaining obstacles to the prevalence of universal harmony among nations.

In the language of that distinguished jurist whom we have already quoted so largely, "as the precepts of this code (the law of nations) are not defined in every case with perfect precision, and as nations have no common civil tribunal to resort to for the interpretation and execution of this law, it is very often difficult to ascertain, to the satisfaction of the parties concerned, its precise injunctions and extent; and a still greater difficulty is the want of adequate pacific means to secure obedience to its dictates."

But, in view of all these facts and doctrines, we are deeply impressed with the conviction, that there must, eventually, be organized such a tribunal as is thus

called for by the wants of mankind; although, perhaps, it may not, and need not, possess every one of those powers which are now deemed necessary to its successful operation. There may, and we believe there will, be created, an international tribunal, call it congress or court, by which there shall be drawn up, and recommended to universal adoption, a complete code of international law; a code which shall increase the difficulties of declaring war, by devising new methods of peaceful negotiation; a tribunal that shall sit as the ultimate court of arbitration on all questions involving international interests that cannot otherwise be harmoniously adjusted.

CHAPTER III.

A CONGRESS OF NATIONS FOR THE PEACEFUL ADJUSTMENT OF INTERNATIONAL DISPUTES.

We now come directly to a consideration of the proposed pacific tribunal. And, first, in regard to its *name*.

We are accustomed, with the name Congress, to associate the idea of a crowded assembly, in which the conflicting passions of numbers destroy both dignity and the power of calm deliberation. There are also connected with that name, in the minds of those lovers of popular institutions who have narrowly observed the recent history of Europe, a variety of unpleasant recollections, which are calculated to awaken their prejudices the moment the word is spoken.*

But against such trifling prejudices we should scrupulously guard ourselves, when reflecting upon subjects of great importance and substantial interest, where we are called upon to regard the thing itself in debate, and not the name by which it is designated. We must look to the *nature* of the tribunal.

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* The Congresses of the Allied Powers of Europe have done little to excite the gratitude or good-will of mankind. See Article *Congress*, in the Encyclopædia Americana.

A Congress of Nations, or such a body as we would propose, need not embrace an army of members,—need not resemble the crowded ranks of a representative legislature. Many a year must elapse before such an assembly will be resorted to by a multitude of states. Such a Congress as is contemplated by the friends of peace, will never alarm by its numbers, nor by its likeness to those assemblies of the Allied Powers of Europe which have of late years formed so conspicuous a feature in the politics of that continent. It might be composed of a small number of delegates from such nations as are willing to engage in the scheme,—chosen in such manner as the sovereign authority of each respective nation might select, and for such a term of office as each might prefer.

It is not probable, that a large number of governments would very soon become disposed to unite in this project. But its auspicious commencement would not depend upon its instantly enlisting the cooperation of all Christendom. Let but a few prominent nations,—American and European,—unite in making the experiment, and its happy results would in due time recommend it to universal adoption.

The formation of the next treaty that shall be made between this country and any other,—suppose England,—will furnish an opportunity of paving the way for such a Congress. Or, special instructions might sooner be communicated to our ministers abroad, to propose to the respective courts at

which they reside, this new method of international negotiation. Let the proposition be made, that in all cases of disputed claims, or conflicting interests between the two sovereignties, before a resort is made to arms, the matter in controversy shall be referred to a tribunal permanently established (or temporarily created and assembled), composed of delegates from not less than three independent nations, chosen for such purposes, and sitting as a court or congress of appeal on questions of international law, and for such further objects as may be enumerated.

Upon this general statement of the intent of such a Congress, and of the manner in which it might be originated, the plan does not seem to present any invincible difficulty, nor any strong ground of objection.

Its adoption would slightly alter the present mode of adjusting national dissensions; it would add something to existing diplomatic arrangements. But the idea of subverting established institutions is not connected with such a scheme. The most rigid enemy of change need not apprehend a revolution, nor the most radical reformer fear that a revolution will be prevented. The machinery of government would not become more complicated, nor the burden of national expense be sensibly increased. The experiment would certainly be safe; we feel sure that it would be successful; and if so, it would confer upon mankind a greater blessing than they have ever yet enjoyed.

But, to speak more fully of the designs, purposes and proceedings of this august tribunal.

The general design of a national Congress would be, the prevention of war, by furnishing pacific modes of adjusting international disputes, and by removing the most common causes of hostility.

In stating that such would be the purpose of the proposed assembly, we do not deem it needful to assume the broad ground, that war is in no case justifiable. The usefulness of pacific means of settling great international questions does not depend upon the truth of this extreme proposition. But *we take the firm and acknowledged ground, that war is an enormous evil;* that it is invariably followed by countless other evils in respect to both contending parties; that it should never be undertaken except for the most urgent necessity and on the best of motives; that if resorted to at all, it should be after all pacific measures have failed to give safety to society; that it should never be used except as capital punishment is used by the sovereign executor of municipal law;* that of all the wars which have scourged mankind, not one of a thousand has, upon these principles, been justifiable; and that the actual adoption of these moderate pacific doctrines and principles would diminish the probabilities of future war a thousand-fold.

To give currency and effect to such doctrines, as well as to devise and employ pacific expedients,

* Grotius, *De Jure Belli ac Pacis*, Proleg., § 25.

would form the grand object of the proposed Congress.

In the accomplishment of this purpose, one of the first duties to be performed, might be the preparation and publication of such a code of international law as we have already described, whereby the whole commonwealth of nations would be clearly instructed in their respective rights and duties,—ignorance of which is one of the most frequent causes of misunderstanding and enmity.

The code of international law, as we have already said, is yet far from being either complete, or generally known and understood. Momentous principles remain unsettled; new questions of doubt and perplexity are now the progeny of every year; great names are arrayed against each other; a wise, well-chosen and ultimate tribunal is called for, to investigate these principles, remove all doubt and obscurity, and illuminate the whole subject with the strong light of modern virtue and learning.

By way of illustrating our meaning to the reader, we will adduce one or two examples of important questions that are yet to be settled, and upon opposite sides of which are to be found names of the highest authority.

1. The great question, *What is the duty of the government of a neutral territory, across which a right of passage is claimed by one of the belligerent armies?* Ought such a demand to be granted or denied?

Learned doctors and weighty arguments are found in conflict upon this subject; and thus the neutral

ground is made the scene of literary warfare. Let us look at some of these conflicting authorities.

Grotius (*"clarum et venerabile nomen"*) declares that the permission should be granted, arguing that the establishment of property was originally made, with the tacit reservation of the right of using the property of another in time of need, so far as it can be done without injury to the owner, and that the necessities of war revive this dormant right.

Burlamaqui asserts that this permission should never be granted, except under circumstances amounting to compulsion; and he supports his opinion by alleging the infinite inconvenience and danger which must attend the passage and presence of an armed force, as well as the evils that must arise from applying the principle laid down by Grotius to the affairs of private life.*

A case may readily be supposed, in which this question shall become of mighty moment. A war arises between Mexico and England. English squadrons blockade every Mexican port. Mexico plans an invasion of Canada,—to execute which, her armies must cross the territories of the United States. She demands permission, or claims a right, to cross those territories. To refuse is to make her our enemy: compliance will rouse the hostility of England, and convert our soil into the field of battle between the belligerents, thus subjecting us to all the evils of a party to the war.

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* See *Burlamaqui's Natural and Political Law*, Part 4, ch. ii, § 20.

Where the neutral country is feeble, and unable to enforce a refusal of the claimed permission, under the existing state of things, most generals would probably imitate the conduct of Napoleon towards the petty neutral states of Italy, acting upon the base principle, "*id æquius quod validius.*" But we look forward to the day when the sword shall no longer be drawn to cut asunder the Gordian knot of perplexed questions of right; when the obligations of law shall be universally respected. Now let a Congress of Nations, before the advent of such a case as we have supposed, solemnly declare the perfect inviolability of neutral territory, and the governments represented in Congress would be no more embarrassed with doubt.

2. Another question, of vast and increasing importance, is that of foreign interference; or, *the right of one state to make itself, on any pretence, a party to the domestic and internal affairs of its neighbor.*

This question has always possessed a high degree of interest; but in the present age of revolution is peculiarly a subject of attention and inquiry.

The history of the ancient Greeks shows us that they never questioned their own right, on every occasion, to make themselves parties to the domestic quarrels of their neighbors, and that they were ever prompt to interfere.*

Rome, also, with that haughty spirit which always

* Mitford's History of Greece, Vol. V, p. 127.

characterized her conduct, assumed and exercised, on all occasions, the office of umpire in the affairs of other nations,* sending forth both fleets and armies at the solicitation of revolted provinces, or on the impulse of her own jealousy or ambition. Thus did she interfere between the kingdom of Macedon and the Achæan league; by her insolent arbitration dissolving that confederacy which had given safety to the petty states of southern Greece, and by this dissolution placing those states at her absolute control,—at the mercy of her insatiable appetite for conquest.†

This unqualified doctrine of antiquity has, in modern times, been condemned by legal tribunals, as well as by individual authority; but no settled rule has been established in its stead,‡ although the Congress of the Allied Powers (for 1820–21) proclaimed the right of an armed interference.§

Whatever be modern *law*, the *practice* has not, in some instances, differed, except perhaps in excess of injustice, from that of antiquity. We are prompt to condemn the meddlesome interference of ancient states; but what shall we say to modern instances? What of that monstrous exhibition of lawless rapacity —the triple partition of Poland?‖

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* Livy, lib. iii, c. 30. † Ibid.

‡ *Vattel's Law of Nations*, b. 2, c. iv, §§ 49, 50. *Huber*, de Jure Civ., l. 3, c. vii, § 4. *Rutherforth*, b. 2, c. ix. *Grotius*, lib. 2, c. xxv, § 8.

§ See *Lord Castlereagh's Circular Despatch* of Jan. 19, 1821, denying that doctrine.

‖ "The interference of Russia, Prussia and Austria, in the internal government of Poland,—first dismembering it of large portions of its

If we would learn what sentence was expected from the tribunal of public opinion by these national vultures as they stooped upon their prey, we have only to look at those numerous, elaborate, and specious, but sophistical defences, manifestos and proclamations, with which they vainly endeavored to conceal the infamy of the transaction,* and to avert

territory, and finally overturning its constitution, and destroying its existence as an independent power, was an aggravated abuse of national right." (*Kent's Commentaries*, Lect. 2.)

For an account of this procedure, see *History of Poland*, by JAMES FLETCHER, Esq.,—No. 24, Harper's Family Library; a work written with great ability, learning and fidelity.

* "All the three powers thought it necessary to publish some defence of their conduct; and, in separate pamphlets, they attempted to prove that they had legitimate claims on Poland, and that their present violent seizures were only just resumptions of their own territory, or equivalent to it." (*Fletcher's Poland*, c. ix.)

The following is the title of the Russian defence:—"*Exposé de la conduite de la cour imperiale de Russie vis-a-vis de la serenissime Republique de Pologne, avec la deduction des titres sur lesquels elleforde sa prise de possession d'un equivalent de ses droits et pretensions a la charge de cette puissance*, Petersburg, 1773."

The Austrian defence is thus entitled:—"*Les Droits de la Couronne de Hongrie sur la Russie-Rouge* (Gallicia) *et sur la Podolie ainsi que de la Couronne de Bohéme sur les Duchés d'Oswiecim et Zator.*"

The absurd arguments of Prussia are thus entitled:—"*Les Droits de sa Majesté le Roi de Prusse comme Marquis de Brandeburg sur le duché de Pomerillie* (Pomerania) *et plusieurs autres Districts du Royaume de Pologne, avec les Pieces Justificatives.*" In this defence, it is *modestly* asserted that the arguments and doctrines of Grotius, Puffendorff, Wolff, and others, are futile. The study of those defences is a most edifying task.

The friends of peace rely upon the strong expression of public indignation in reference to national misconduct, as one of the most certain pacific means of preventing its recurrence. We, therefore, do not hesitate to express boldly our own feelings, and quote freely the language of others.

the expected and dreaded condemnation of the whole family of Christian states.

What shall we say of the invasion of Holland by Prussia, in 1787, of Naples by Austria, in 1821, of Spain by France, in 1823? Perhaps silence will be wiser than speech.*

Thus practically doubtful and undecided do we find this most momentous question. A Congress of Nations might dispel that obscurity, and shed abroad the light of security and peace upon nations which now tremble in doubtful apprehension, and know not an hour of domestic quiet.

We need not multiply illustrations of a necessity, universally felt, of a revised and complete code of international law, and of the consequent call for some dignified body by which this want may be supplied. We are persuaded that this necessity speaks loudly and eloquently in behalf of a Congress of Nations.†

The mere anticipation of a tribunal composed of delegates from the most illustrious nations of Christendom, and embodying the wisest, and most learned, and the best of every land, whose duty it shall be to collect the scattered lights of history; to gather,

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It is worthy of remark, that the above defences are placed on the mere ground of *title*,—not of *the right of* international *interference*.

* See Lord Brougham's Speech, in 1823 (Feb. 4), on the "War with Spain."

† The great questions of the right of search, of natural allegiance, of privateering, of paper blockade, of contraband, and many others of equal interest might be specified; but these will all suggest themselves to the mind of the well-informed reader, as proper subjects for the deliberation of such a tribunal.

compare, digest, and harmonize the writings of sages; to bring forth from the statute books and judicial records of their respective countries the accumulated treasures of law, and submit them to the combined wisdom of the whole Congress, to be modelled into one grand, perfect and glorious system for universal admiration and adoption,—the mere anticipation of such an assemblage is sufficient to fill the soul with emotions of sublimity.

The proposed Congress, having performed their first great duty, might then proceed to discharge their functions as a tribunal of ultimate appeal, or dernier resort, upon all such questions of international difficulty as might legitimately come before them; ever acting under the solemn recollection, that they are the ministers of peace, and that war is always a curse.

In this capacity, they would, *inter alia*, perform the duty which is now so frequently assigned, by consent of contending nations, to some third power as arbitrator; such as the settlement of disputed boundaries, pecuniary claims, the interpretation of treaty stipulations, &c., &c.

Under the existing practice of reference, serious inconveniences always arise, from the fact, that the arbitrator, being, in most cases, some sovereign, cannot conveniently devote time and labor adequate to the full investigation, and necessary to the fair decision, of the matter in controversy; but is compelled to decide by the dim light of partial information, and perhaps under the influence of long-formed and deeply-rooted, if not unsuspected, prejudices. These inconveniences,

which are such as to render the decree of arbitration almost always unsatisfactory, would never be felt from the reference of disputes to a Congress of Nations.

No one can question the advantage of possessing a permanent or special body, created for such purposes, composed of members, who are elected from several governments, devoted wholly to these international subjects, and acting under the consciousness that their decisions will be universally known, will survive the present hour, be hereafter used as established precedents, and at last go down to posterity as the imperishable monuments of wisdom or folly, of honor or disgrace.

What nation would not submit the decision of questions involving her rights to such a tribunal, rather than refer them to the hurried and imperfect, perhaps the partial, examination and arbitrament of a single individual, who is surrounded by other cares, reluctant to assume the invidious and unrewarded office, and liable to be carried away by sudden passion, or seduced by corrupt inclination?

Another class of the duties of such a body, as we have before suggested, would consist of those functions which are now performed by special or extraordinary commissioners or ambassadors, somewhat analogous to the duties of arbitration and umpirage; but which need not be specifically enumerated.

We need not be alarmed at the idea that such a Congress would be crushed beneath the burden of its duties; that questions of conflicting interests would be too greatly multiplied upon its hands. We

cannot believe that its task would be more onerous than is that of any foreign minister under present arrangements. None but questions of the highest moment, of a strictly international character, and such as threaten or have produced war between independent states, would be presented for its consideration. All others would continue subject to their present modes of adjudication, or to such further methods as such Congress might suggest.

The present frequency of international war would for a while form a correct standard, by which to measure the amount of business that would demand the attention of the Congress. But this would not long remain a correct criterion; for the direct and instant tendency of the action of that body would be, to reduce the number of questions whose agitation now produces or threatens war; and the causes of quarrel being removed, quarrels would cease.

Thus, for example, questions of territorial right would very speedily be settled, and the boundaries of nations become as definitely marked and as accurately known as are the great natural outlines of the globe; and that tide of blood, which, in all preceding ages, has kept the lines of political geography in constant fluctuation, would no more ebb and flow, to "perplex with fear of change" the nations,—would no longer sweep away ancient landmarks, but would be for ever dried up.

So, in like manner, would it be with many other subjects of controversy. The light of knowledge would soon dispel that uncertainty which is so often the cause of offence and quarrel.

In this manner would such a Congress diminish at once the frequency of war and the burden of its own duties, until there should scarcely arise in one generation a subject of deliberation, and the great family of governments should dwell together in that harmony which is so beautifully symbolized by the prophet, as the reposing together of the lion and the lamb in undisturbed friendship.

Who is there among the potentates of Christendom, or among the ministers of national conduct, so fond of strife and contention,—so blinded by ambition to the miseries of his race,—so intent upon erecting the fabric of national glory on the trampled rights of other nations,—so rabid in his thirst for dominion, for glory, or for blood,—that he will not regard with delight this beautiful vision of earthly bliss, and rejoice to bring to its consummation the whole energies of his mind, and the whole power of his empire?

"I cannot conceive," says a distinguished jurist, speaking of the U. S. Supreme Court, "of any thing more grand and imposing in the whole administration of human justice, than the spectacle of the Supreme Court sitting in solemn judgment upon the conflicting claims of the national and state sovereignties, and tranquillizing all jealous and angry passions, and binding together this great confederacy of states in perfect harmony, by the ability, the moderation, and the equity of its decisions."*

* *Kent's Commentaries*, Part 2, Lect. xix, Vol. I, p. 444.

It is indeed true, that the world now furnishes no spectacle of greater sublimity than this. But, should the visions of the friends of peace be realized, men will then behold a spectacle of far greater majesty and grandeur; a tribunal of earth's greatest and best of men, sitting in judgment upon the affairs of numerous nations, and establishing, by their decisions, the reign of universal peace. God grant that the hopes of his "*children*"* may not be disappointed!

OF THE AUTHORITY OR SANCTION THAT MIGHT ATTACH TO THE DOINGS OF THE PROPOSED CONGRESS.

We have seen, 1st, that the first great object of a Congress of Nations might be to act in the capacity of a legislature, or legislative commission, for the formation of a code of international law.

2. That it might thereafter act as a judicial tribunal in the adjustment of international disputes.

We now come to the inquiry, In what manner, if at all, may a Congress of Nations enforce obedience to its decrees or decisions? What are to be its sanctions? What, and how exercised, its executive power?

This is by far the most difficult part of the subject, and, at first view, it seems thronged with embarrassments. But let us regard it steadily and coolly, and they disappear, or sink into insignificance.

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* "Blessed are the peacemakers; for they shall be called the *children* of God."—MATT. 5: 9.

Shall such a Congress be invested with supreme control over certain enumerated subjects, with the right of an ultimate appeal to arms to enforce obedience, thus resembling the celebrated Amphictyonic Council?

Or shall it possess the mere right of recommending its measures to the sovereignties which it represents, like the American Congress under the old articles of confederation?

In the one case, it will be denounced as an effort to consolidate independent governments, and likely to multiply, instead of diminishing, wars. In the other, it will be ridiculed as a mere mockery of a Congress, enacting laws, and uttering decrees, only for the purpose of being disobeyed.

But, before adopting this latter idea, let us suppose that, in relation to a code of international laws, it have no further power than that of recommending such a code as it may prepare. Should we not be justified, even then, in hoping that much good would be accomplished? Let us remember in what manner the existing law of nations acquired its authority. If a single man, like Hugo Grotius, was able, in the early part of the seventeenth century, by his unaided talents, to create from the chaos of the past an almost perfect system of international jurisprudence, and by the mere force of his genius and learning, give to that system almost universal authority, have we not every reason to believe, that a chosen body of wise and learned men, selected from among many nations, enlightened by all the experience of the past, and by

the lofty principles of the present age, and devoting their combined energies to the great work, would give to the result of their labors such perfectness of finish, such clearness of reasoning, such force of illustration, as would at once render the work of universal authority and obligation? It seems to us, whose opinions are perhaps tinged with the rosy hue of hope, that such a result is an object of rational expectation.

Let us suppose that such a Congress, as a judicial body, would have no executive authority. In that case, its decisions in relation to subjects brought before it, by special agreement, as a judicial tribunal,—or pronounced in pursuance of its duty, according to the powers originally conferred upon it, would possess all the force, virtue and obligation now belonging to the decrees of other arbitrators, or to treaties drawn up by diplomatic agents and ratified by the sovereign.

It is national regard for good faith, or, in other words, an enlightened self-interest, which now induces states to abide by the decisions of a chosen arbiter, or by the covenants and agreements of treaties. It is that respect for honesty, fortified by a wise regard for their own interests, and cherished in a greater or less degree by all civilized nations, which renders them true to any of their engagements.

The same feeling is, in fact, all that binds together the discordant elements of society. Mankind surrender a portion of their original independence, when they enter into the body politic, and, in consideration of the benefits derived from that association, they pledge themselves to support its institutions and obey its laws.

This pledge is redeemed only by the good faith of the majority. Let the majority resolve to violate their pledge,—to disregard and trample on the laws,—and civil society is at an end. Or let those whose duty it is to enforce the laws neglect their duty, and there is the termination of government.

Thus we are obliged to build even the fabric of a single state upon this basis of good faith; and so long as we find it a safe foundation for the structure of municipal law, so long may we confide in it, as the corner-stone of the structure of international law.

This good faith, as we have above hinted, is fortunately sustained by, if not identical with, an enlightened self-interest. Universal experience teaches the truth of what is asserted by Grotius,* that no man (and if no man, then no association of men) can be comfortable, secure or happy under the consciousness of violated duty. Such men despise their own meanness; they fear the censure of the virtuous; they anticipate the punishment of a future state, and they are ever in danger of merited punishment.

This natural respect for justice, this regard for public opinion, and this apprehension of future

* "Neque tamen quamvis a vi destitutum jus omni caret effectu:—nam justitia securitatem affert conscientiæ, injustia tormenta ac laniatus, quales in tyrannorum pectoribus describit Plato. Justitiam probet, injustitiam damnat proborum consensus. Quod vero maximum est, hæc Deum inimicum, illa faventem habet, qui judicia sua ita post hanc vitam reservat, ut sæpe eorum vim etiam in hac vita repræsentet, quod multis exemplis historiæ docent." (*De Jure Belli ac Pacis*, Proleg., § 20.)

retribution, furnish some of the strongest possible motives for individual and associated action. They have always exercised a vast control over the conduct of men in their private capacity, and in modern times they have acquired an influence which is constantly increasing in relation to the conduct of public affairs. As Christianity extends, and the general intelligence increases, so will this reform increase.

Mankind are more and more confirmed in their regard for good faith, by observing how essential it is to the security of society, and how inevitably its violation introduces political evils of every description. And their observations of these important facts are becoming more clear and sensible, from year to year, as the acquisition of knowledge goes on; and as the relations between man and man, and between state and state, increase in number and are more strongly felt and better understood.

It has been truly said, that "man is formed for society, and is neither capable of living solitary, nor indeed has courage to do it."*

Not less true is it that nations require and seek a community and reciprocity of kind offices amongst one another. No nation finds itself able to exist in safety and security without some sort of alliance or

* Puffendorff, l. 7, c. i. 1. Blackstone's Commentaries, p. 43. "It is the sense of this their weakness and imperfection that keeps mankind together, that demonstrates the necessity of this union, and that, therefore, is the solid and natural foundation as well as the cement of civil society." (*Id.*, p. 47.) Vattel, *Prelim. chap.*, § 10.

treaty with its neighbors. The mightiest is too feeble to subsist without external assistance, or to defend itself against a combination of the weaker states; and, therefore, all governments are anxious to form alliances.*

This is strict historical truth. And we ought to thank God that it is so; for it places all governments under the absolute necessity of honest and upright conduct, at least towards their allies; and an almost equal necessity of fair dealing with their foes; inasmuch as he who is treacherous, even towards an enemy, is sure to be suspected and despised, or feared by his friends. Let any government acquire the reputation of falsehood and disregard of principle, and that nation soon becomes the common enemy of all mankind, and, early or late, is crushed into the dust, as was that monstrous fabric of treachery and misrule which grew upon the ruins of monarchy in France.† The proverbial falsehood,—the "*Punica fides*" of Carthage,—hurried that powerful state to destruction, even in an age of gross moral darkness and debasement.

It is becoming more and more evident to statesmen, that the machinery of government never works well except when impelled by truth and virtue; that fraud and crime recoil with fatal certainty upon their

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* *Grotius*, Proleg., 22.

† "If we see a man," says Xenophon, "who is uniformly eager to pursue his own private advantage, without regard to the rules of honor or the duties of friendship, why should we in any emergency think of sparing him?"

contrivers; and that, as in private life, so also in public business, whether between a state and the citizens thereof, or between independent governments, integrity is essential to the best interests of all.*

Thus does the experience of mankind ever shed light upon the infinite wisdom of those revealed laws which our almighty Father has mercifully given to his children; and the universal prevalence of which will, in latter days, as we hope, restore mankind in a good degree to the enjoyments of that happy condition from which by their own folly they were cast down.

In view of these considerations, it seems to us reasonable to believe, that the mere establishment of an international body, like the one herein described, with no more power than that of adjudication, advice and recommendation, would be productive of great and permanent good.

But the sanctions connected with the decisions of such a tribunal need not be confined to such as are naturally and inevitably attached to the law of right. This Congress may have power, if the nations so will, to follow up its decrees by a penalty, pacific, but tremendously weighty, in its character.

This authority may resemble that which once gave such mighty influence to the commands of the

* The name of Machiavelli has become infamous in modern times as the author of a work which merely sets forth the crooked rules of policy, that in his day were universally approved and acted upon. A fact like this speaks consolation to those who delight in the melioration of man.

druidical priesthood, and such energy to the mandates of the Papal see. It would be an extensive application of a measure sometimes resorted to with great effect by a single state.

It is now a common practice for a government that feels itself aggrieved and insulted, to cut off at once all intercourse with the offending state; to renounce all alliance, call home her ministers, close up her ports, and treat the offender as though she had no existence. Such a measure, in consequence of that necessity to which we have before alluded, and shall soon more particularly notice, is sometimes sufficient to prevent recourse to the severer redress of open hostility.

Now let the nations represented in the proposed Congress unite in the determination of pursuing this system of non-intercourse in relation to every state which, after having submitted its controversy to the action of the Congress, shall disobey its decree; or which, contrary to its own express undertaking, shall declare war with any nation represented in the Congress, without first submitting to its decision the question in debate. Can any person devise a more powerful or certain method of compelling, without resort to arms, the submission of the refractory, of preserving unbroken peace? It is true that such a Congress as we propose could merely *recommend* and not *enforce* this penal measure. But as the recommendation would be made to the several sovereignties represented in the Congress not parties to the offence, and as these powers would perceive that they must either act in accordance with the

recommendation, or lose all the benefits of the association, there would be little doubt as to their course.

Cut off from the society of nations, utterly denied every form of international intercourse,—branded, as it were, and avoided as an outcast,—no state under heaven could long remain refractory. The extensive commercial relations of modern times, of which we have already spoken,* and which are numerous beyond the conception of a partial observer, have made a free and intimate intercourse with sister states essential to the prosperity and even existence of all civilized nations. Any measure by which this intercourse should be destroyed, would be a death-blow to the public comfort and prosperity of the proscribed state; and consequently not even the terrors of that Papal bull of interdict and excommunication, which once carried trembling to the hearts of kings, nor of that druidical "ban of food and fire," which drove its victim from all human aid and sympathy, could so effectually crush the spirit of obstinacy, as a measure like this.

The wants of a people, suffering under such an interdict, would imperatively demand of their government such concessions to the authority of the Congress, or rather such a regard for their own good faith, as would be needful to restore commerce, revive business and resuscitate their national vitality. Until the government should comply with those

* *Ante*, ch. i.

popular demands, their ships must rot in idleness, their storehouses remain closed, their markets empty, and all trades and employments inactive. Thus would the ordinary fountains of revenue be dried up, and consequently an enormous amount of direct taxation be added to those other causes of general discontent and distress. The whole land would lie like a besieged and blockaded city, and a universal paralysis would pervade both people and government, so that neither war could be sustained nor peace endured.

An instrument of authority like this would give to the recommendations of such a Congress an efficacy far greater than would be derived from the right of armed interference,—far greater than now belongs to any species of law, whether municipal or national, and far more cogent than has been possessed by any treaty or compact whatsoever.

But tremendous as such power might become in its plenary exercise, we need not fear thus to entrust it with such a tribunal. There would be small danger of its perversion or abuse. The more reasonable apprehension would be, that the associated states would shrink from enforcing it. Their reluctance to do this would arise partly from the fact, that they must each, in a certain degree, sympathize and suffer with the offender, in the loss of markets, and of marketable articles ordinarily received from the delinquent. They would be slow, also, to establish, without adequate cause, a precedent that might one day be used against themselves, though each should feel certain

of the poor favor conferred by the Cyclops on Ulysses to be the last devoured.

None but questions strictly international would come within the scope of such a tribunal as is contemplated by this Essay; for we wish to be distinctly understood to protest most emphatically against the right of any such Congress, or of any alliance whatever, to intermeddle with the internal and domestic affairs of an independent state. The doctrine of interference we regard with that unmingled abhorrence which forms so conspicuous a tenet in the creed of republicans.

And of this important class of questions, none but such as were prescribed by treaty, would be brought under consideration in a Congress of Nations: so that with all these safeguards and limitations, the compulsory process, above described, would be seldom resorted to, and never in cases of a trifling or improper character.

Other sanctions might, in process of time, be discovered by the light of experience, which, after all, teaches the most valuable lessons to individuals and to states.

To the above project an ingenious adversary might, doubtless, bring forward still further objections. The imagination of a timid politician is like a haunted house, full of idle and unreal terrors. We shall not delay, for the purpose of answering, in this Essay, every conceivable argument, and of removing every fanciful obstacle. Our purpose is not so much to delight the imagination, by ingenious speculations, as

to present a brief outline of our plan for an international tribunal whose design shall be to promote the peace of man, and the harmony of governments.

From a Congress of Nations thus constituted,—composed of such materials, established for such benign purposes, possessing the jurisdiction and authority herein described, and exercising its powers in accordance with the wise and benevolent principle of a highly civilized and Christian age,—mankind would certainly have little to fear and every thing to expect, and to its establishment they may well look forward with high hope and ardent desire. Impressed as we are with a deep feeling of the wants of our age,—a strong conviction of the rapid extension of the principles of peace, and a full faith in the fitness of such a Congress to give increased efficiency to those principles,—we cannot believe that our favorite scheme is unreasonable, nor that the reflecting friends of their race will long continue to regard that scheme as a hopeless vision of fantastic philanthropy.

It will be seen that our thoughts have dwelt in this chapter, upon a permanent body of delegates, with regular sessions and adjournments, and clothed with a jurisdiction quite broad and general. But this form of the tribunal is by no means an essential part of the pacific scheme. Instead of such an institution, we might suppose a substitute somewhat as follows, namely:

1. A commission, consisting of members appointed by the several and respective sovereignties, which should unite in the plan, for the special purpose of

digesting a uniform system or code of rules, for the common observance in both war and peace; the times and modes of choosing the commissioners, and the nature and extent of their duties depending on treaty stipulations.

2. A compact between several states providing for the appointment of an extraordinary commission, or board of referees, from a disinterested quarter, whenever a dispute should arise between two or more of the associates on a question of great moment, and the ordinary modes of negotiation should fail; whose duty it should be to consider of the matter in dispute and decide thereon, such decision to be obligatory and conclusive only so far, and be enforced in such manner, only, as the original treaty should prescribe.

The grand object to be accomplished would remain the same, whatever might be the form of the machinery contrived for its attainment. That object is one that commends itself to every manly heart. It is one which has employed the thoughts of Deity, and filled the councils of heaven. It is one which entered into the high and divine project of man's redemption, through a crucified Redeemer,—and which inspired the songs of angels, when their voices fell upon the ravished ears of the shepherds of Galilee:

"Sounds of so sweet a tone
Before were never known;
Such was the immortal seraphs' song sublime,—
'Glory to God in heaven:
'To man *sweet peace* be given,
'*Sweet peace and friendship* to the end of time!'"

CHAPTER IV.

OF THE LIGHT WHICH HISTORY SHEDS ON THE FEASIBILITY OF THIS PROJECT.

History furnishes no example, either of a considerable number of important states associated in any way for the real and sole purpose of preventing war, or of an international tribunal of the kind proposed in this Essay. We cannot, therefore, reasonably expect much direct historic light upon the subject under consideration.

There have been councils, leagues, unions, confederacies and alliances in abundance; but none, from whose character and history the friends or opposers of a Congress of Nations for the promotion of peace can derive arguments of much value.

Security from dangerous neighbors, or increased facilities of offence, protection from assault, or impunity in wrongful invasion, have generally formed the objects of those leagues and alliances. They have regarded war as an evil only to the vanquished, and have made it an integral part of their schemes. They have grown out of conscious weakness, and the desire of increased power,—not from philanthropic motives,—not from that principle of humanity, which, forgetting national aggrandizement, looks only to the good of mankind, and seeks only the peaceable adjustment of international quarrels.

Such leagues and compacts, therefore, while they have done little to diminish the frequency of wars, have done much to increase the number of belligerents, and the ferocity of warfare. The nation that has secured an ally may be less exposed to attack, but is, on that very account, the more ready and likely to become the aggressor. Such is the lesson which selfishness has learned from impunity. The "Holy Alliance," so called, may have preserved its members from quarrels with each other, and from foreign invasions: but has it diminished their lust of power, or rendered them more careful of the rights of other European states? Has it rendered Russia more friendly to the Sultan, or more magnanimous towards struggling Greece? Has it diminished the Austrian appetite for Italian empire? Has it done service to the cause of liberal principles in Spain? Has it rendered either of the allies more just or humane towards bleeding Poland? *

Feeble as the analogy may be, between the proposed Congress and the various combinations of foreign states, which have existed from the Council of Amphictyons, down to the "Holy Alliance," it will, nevertheless, subserve our purpose, to present a brief sketch of the most celebrated of these confederacies, and thus, at least, display the contrast between them and the measure now advocated by the friends of peace.

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* For answer, read the history of Europe since 1815.

1. *The Amphictyonic Council.*

First in order of time, was an alliance between several of the petty Grecian states, for the purpose of mutual protection against foreign enemies of superior strength.* Each of these states was entitled to two delegates in the Council, known as "*the Amphictyonic Council,*" which managed both the civil and religious concerns of the league.† This Council met twice a year, and devised, deliberated upon, and set on foot all measures, by itself deemed proper to prevent invasions, to protect ecclesiastical rights, and to punish all offences, whether of a civil or sacred character;‡ thus performing all the functions of a federal government.

In its design, therefore, and in its constitution, character and authority, it was wholly unlike the Congress of peace. It possessed and exercised the power of making war, and concluding peace. One of the earliest fruits of this confederacy, was a fierce spirit of conquest, resulting in the Dorian invasion of the Peloponnessus. Its grand finale of mischief was the famous "*Phocian,*" or "*Sacred War,*"—a war which left Philip of Macedon master of the league.§ The war was first declared against Phocis, one of the allied states, for the dire offence of converting to agricultural uses a portion of land consecrated to the gods. Sparta was then drawn into the conflict;

* Gillie's History of Greece, Vol. I, p. 107.

† Pausanius, in Phoc. and Æschin. de Fals. Legat.

‡ Justin, lib. viii. Diodorus, lib. xvi.

§ See the authorities last cited.

ten years of bloodshed ensued: Philip, in an evil hour, was summoned to the aid of the Amphictyons, and thenceforward the glory of northern Greece was departed:

"——'t was Greece,
"But living Greece no more!"

Such was the inevitable fate of a confederacy governed by a council possessing a broad jurisdiction over subjects of a purely domestic, as well as of an international character, composed of semi-barbarians, urged on by the fiery impulses of a rude and warlike age, and clothed with power so extensive.

2. *The Achæan League.*

Next in order of time, we may notice an alliance, originally defensive, formed among several of the cities of Achaia, in southern Greece, and hence denominated "*the Achæan League.*" When the folly of the Amphictyonic council had made Philip of Macedon virtual king of all northern Greece, the Achæan confederacy was so far extended as to embrace all but two,—Ætolia and Sparta,—of the Peloponnessian provinces in a league against the Macedonian.

War,—defensive war, to be sure,—was the end contemplated by this alliance; nor was it long before it transgressed this defensive limit, and declared open hostility against Lacedemon. Sparta appealed to Philip, and with his ready, but treacherous aid, was victorious. But now there was risen in Italy another power, destined ere-long to conquer and fill the earth.

The League called in the aid of Rome, and the legion triumphed over the phalanx. Sparta was crushed and compelled to become a member of the confederacy, while Ætolia and Macedon were converted into Roman principalities. Thus liberty and peace were nominally restored to southern Greece; but Roman interference was thenceforward a constant and growing evil. The eagle, whose beak and talons had torn the carcass of Macedon, Ætolia and Sparta, was finally full gorged by the blood of the League. Constant aggression, at last, provoked a declaration of war against Rome, and the Peloponnessus became a portion of that vast empire whose yoke so long galled the nations.*

3. *The Hanseatic League.*

The Roman empire became, and for ages remained, almost universal. It neither needed, nor sought, the aid of confederacy. But Rome at last fell a prey to her own vices, her lust of dominion, and the northern hordes.

About A. D. 1239, there sprung up, in northern Europe, a combination amongst divers commercial cities, for the protection and extension of their trade. Pirates infested the seas, and feudal lords were equally mischievous to commerce upon shore. The wants of the age, therefore, demanded a league amongst the enterprising merchants who then monopolized

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* Pausanius in Achaic. *Polybius*, Legat, 143. *Livy*, books 32 and 35.

the trade of the world. Accordingly, the Hanse towns* (so called), comprising Hamburg, Ditmarsh, Hadeln, Lubeck, and Brunswick, entered into political union,—for the defence of commerce,—with a multitude of other cities (in all eighty-five), embracing the wealth of Europe. The trade of the union extended over the known world; its depots and factories were found wherever markets existed; political importance speedily attached to the League; the right of declaring war was assumed and exercised; and every member of the confederacy was obliged to furnish its quota of troops, vessels, munitions and money. Thus the League became a sovereignty, to all intents and purposes;—the mistress of lands, and seas, and crowns. It carried on successful war with the Dutchy of Mecklenberg, and with both the kingdoms of Denmark and Sweden.

The discovery of America, and of the passage to southern India by the Cape of Good Hope, and the consequent diversion of the course of trade, greatly reduced the importance of the Hanseatic cities, and in 1630 dissolved that famous League.†

In all this we see no resemblance to the pacific scheme which we are advocating.

Similar comments might with justice be made on the Germanic Confederation and the Helvetic Union:‡

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* *Hansa*, is a Teutonic word, signifying league or combination.

† *Knipschildt*, Tractatus H. P. J. de Juribus Civ. Imper., lib. 1, c. iv. *Anderson's* History of Commerce. Robertson's Charles V, note xxx.

‡ *J. Von Müller's* Annals. *Zschokke*, Hist. Switz. *Lud. Meyer's* "Handbuck."

both of them modes of sovereignty,—forms of national existence, and as unlike an attempt to substitute the advantages of negotiation for the evils of war, as the crash and thunder of a cannonade are like the songs of angels on the plains of Bethlehem. They may have pretended to consult the peace of their several members,—but only on the principle which draws together in herds, the wolves of a German forest. Our North American Indian combines into one instrument his calumet, or pipe of peace, and his tomahawk. Fit emblem, this savage implement, of the pacific character of those confederacies of which we have now spoken.

4. *The Holy Alliance.*

Of the Holy Alliance, we deem it our duty to speak more fully and minutely, inasmuch as it professes to be intended only for pacific and Christian purposes, while its conduct has been such as to excite the abhorrence of all free states, and the suspicions of all mankind. This Alliance originated in the mind of the late Russian Emperor Alexander, and was formed at Paris, in 1815, between the sovereigns of Russia, Prussia and Austria, by whose combined armies Paris was then occupied, Napoleon expelled, and France overrun. The "Christian Treaty," as it was called, was signed by these three monarchs without the intervention of ministers, without any guaranty save the personal honor of the signers, and with none of the customary forms of diplomacy. It was, therefore, either a mere personal compact, or a declaration of

the personal, indefeasible, divine rights of monarchs as such. The articles bound the contracting parties to remain united as brethren, in the bonds of true and indissoluble fraternity, to lend each other aid and assistance as fellow-countrymen on all occasions and in all places, and to lead their armies and subjects to protect religion, peace and justice. The whole document is full of pious declarations and solemn recognitions of Christian duty.

The attention of all Europe was aroused by an alliance so novel, and a treaty so superlatively pious. Suspicion or ridicule every where assailed it. It was denounced as the vagary of an insane Christianity, or a real conspiracy of monarchs against the cause of freedom. Lord Brougham inveighed against it in Parliament, declaring that "the allies with a pretended respect, but a real mockery of religion and morality, made war upon liberty in the abstract, and endeavored to crush national independence wherever it could be found;"* and that it originated "in monstrous principles of systematic interference, and was designed to enslave Europe."

The real purposes of this alliance soon appeared in the conduct of the allies, and were in fact declared at some of their Congresses. The Congress of 1818 alleged that "*peace and legitimate stability*" were the objects at which the allies were aiming; thus declaring their determination to suppress all changes of existing forms of government. The Congress of

* Lord Brougham's Speeches, Vol. IV, p. 652.

1820–21, proclaimed the abominable doctrine that *one state has a right to interfere forcibly in the affairs of any other state*, according to its own sense of convenience or necessity, thus explaining the mode by which "legitimate stability" is to be preserved. The Austrian invasion of Naples followed hard after this proclamation. The Allied Congress of 1822 led to a similar outrage on Spain, by France acting as the tool of the Alliance. The constant violations of the most sacred promises to provide for civil liberty in Germany and Italy, the suspension of the Polish constitution, the proscription of liberal forms of government, and the relentless and cruel persecution of hundreds of individuals whose liberality of principles had been feared, but who were not even charged with any crime,*—these are the sum of what has been done by this *Holy* Alliance for the peace and welfare of mankind.

But without discussing the merits or demerits of this alliance of sovereigns, our purpose is effected by showing how totally foreign it is in character and design from an international tribunal for the peaceful adjustment of strictly international difficulties. It is a league of sovereigns, for purposes of a very broad, general and indefinite extent; its objects are not exclusively international; and it claims the right of making war at its own option. Military power and movements are a part of its established machinery,

* Silvio Pellico and Maroncelli are known to the American public as two of the countless victims of despotism.

and the peace of which they have said so much, is that which Tacitus so forcibly described, when he said, "tyrants mistake for peace the stillness of desolation."

From alliances of this kind, whether holy or unholy, we trust that our country will ever recoil. We concur most heartily in the sentiments of Washington, so forcibly expressed in his Farewell Address to the American people: "The great rule of conduct for us," said he, "in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?"

But, it seems to us, that such a tribunal as we have herein described, involves in its formation no principle or practice which the illustrious "father of his country" would condemn. Such a Congress would not entangle us in the toils of foreign ambition, or caprice;—nor interweave our destiny with that of any other state. It would lead to no bloodshed, no waste of treasure, no risk of our national independence. It would create no perilous friendships nor deadly hostilities. It would simply furnish one additional means of preventing the effusion of human blood; one new mode of adjusting national quarrels without recourse to arms; one new agent in the production of general and enduring peace.

With a jurisdiction limited as we have described, and without direct executive power, such a Congress, whether it be a permanent body, or an assembly chosen as the emergences of nations demand, threatens no danger to the institutions or interests of any existing government; presents no probability of becoming "a conspiracy of the governments against the nations." It would leave governments every where as liable to change, or as certain of permanence, as they now are;—thus encouraging neither innovation nor conservatism. The radical reformer and the rigid "legitimist" might alike join undisturbed in its deliberations. Nothing would be thereby subjected to a momentary check, or a particle of change, save only the fierce impulse and bloody career of national hostility.

This short historical sketch, if it furnish us with no arguments in defence of our project, is enough to satisfy us, that the experience of the past cannot be brought into the scale of opposition. It is sufficient to vindicate the novelty of the proposed arrangement, and encourage us to rely more confidently on those arguments in favor of such a scheme, which are drawn from general reason and the abstract principles of convenience, justice and humanity.

And now let us, in brief, recapitulate the topics contained in this Essay.

We have, at the outset, endeavored to show the reasonableness of the expectation that wars shall

eventually cease; that their frequency may, at no distant period, be greatly diminished, and that the friends of peace are thus furnished with a broad and solid basis of good sense and sound philosophy, for their philanthropic efforts and expectations. We have devoted considerable space to this preliminary topic, because if our views in regard to it are incorrect, it is but labor lost to reason upon a Congress of states, or any other form of pacific action or organization. We have shown that the imagination of the poet has loved to dwell in the bright visions of a peaceful age; that philosophers have delighted to muse upon the theme of a race living together in harmony; and that the eye of the prophet, penetrating the veil of futurity, has discerned the advent of an era when men shall learn war no more. We have endeavored to prove, by an examination of his higher sentiments and nobler affections, as well as of his understanding, that the very nature of man revolts at the evils of war; that his humanity recoils from the contemplation of its miseries and curses, and that his intellect denounces the scheme of warfare as one of gross prodigality,—as an absurd mode of procuring security and quiet, and as the most fruitful source of political mischiefs. We have also illustrated this point by arguments drawn from the peculiar condition and circumstances of the present age; such as the elevation of the mass of society, by various means, but particularly by modern inventions and discoveries, at once to increased intelligence, and to new and extraordinary importance in a political view; the vast

extent and strength of commercial ties and relationships, and the increasing dependence of any given state upon all other nations, arising from the increased wants of man and his demands for the productions of every portion of the world; and the active spirit of voluntary combination and associated effort, scientific and benevolent, which has already wrought out such marvellous results.

These arguments might have been extended and increased; and no task could be more delightful, than to set forth the thousand facts and proofs, thronging all around us, which demonstrate the triumphs of the spirit of peace, and the approach of that period when strife and contention shall become strangers to the destiny of nations. But while we deemed it important not to neglect this chapter of our subject, we felt constrained to remember, that it was still only preliminary, and so deny ouselves a too unlimited indulgence.

Proceeding in our task, we have endeavored to exhibit a simple view of the rules of conduct and modes of intercourse by which nations are now directed, in both peace and war;—expecting, by an account of the origin, formation and present imperfect state of international law, to show the necessity of revising and perfecting that code, and the probability that this desirable result might be accomplished by the plan proposed; and hoping, by a glance at the existing modes of diplomatic intercourse, to make manifest the superior advantages of our plan for adjusting nice and delicate points in national relations.

We have then considered in what manner the projected tribunal could be called into being; whether in the ordinary course of establishing treaties, or by a special exertion: how it should be composed;—whether of members chosen for that general purpose and forming a permanent body, with regular sessions and adjournments, or of special commissioners elected for special emergences:—what subjects shall come within its cognizance;—whether the formation of a perfect code of international law, or the decision of particular points of dispute and questions of perplexity, as the same actually arise to embarrass the conduct of governments, or both these classes of subjects:—and, finally, what shall be the nature and extent of its powers, and the sanctions attached to its decisions;—whether it shall have executive authority, or the mere advisory power; whether its decisions shall merely be binding in good faith, and in this respect stand on the same footing with treaties, or shall be enforced by the peaceable methods herein suggested. These various divisions of our subject presented, as we advanced, a variety of incidental, yet not unimportant, topics, that need not now be mentioned, the result of the whole examination being a full conviction of the practicability and safety of a project similar to that considered in the Essay.

And, finally, we have endeavored, by reference to history, to show that the proposed international tribunal bears no resemblance, in constitution, powers or purposes, to any of the Councils, Leagues, Unions, Alliances or Congresses of ancient or modern times,

and is not, therefore, liable to any objections which may be made to them, but can be fairly advocated or assailed only on the abstract principles of expediency, justice and humanity.

The writer is painfully conscious that he has not done justice to his subject; but is consoled by the reflection, that a topic so new, and involving considerations so numerous and so momentous, might task and exhaust the ability of the strongest intellect. He hopes that the attention of abler men may be drawn in this direction, and their talents and learning enlisted in this cause; and if his Essay shall conduce to that result, its errand will have been accomplished, although a long series of years may elapse before the anticipations of the ardent friends of peace shall be realized, by the adoption of their scheme for the amicable adjustment of national disputes and dissensions.

Whenever, in the course of human events, under the direction of a merciful and benignant Providence, a considerable number of the leading commercial states shall, by treaty stipulations, establish a Commission for the compilation of a uniform system of international law, and thus remove, as between themselves, one fertile source of discord; and still more, whenever such nations shall covenant one with another, that in no case will any two of them have

recourse to the bloody arbitrament of war, but will refer the decision of all exciting disputes to a Congress of delegates chosen from the other associated powers, and composing either a standing and permanent Board of Arbitration, or a special and temporary Commission,—whenever that period shall arrive, the bright visions of prophetic philanthropy shall be more fully realized, and shine forth in living beauty before the eyes of a delighted world;—then shall the strong and figurative language of Isaiah become familiar and true as household words;—and then shall the "golden era" of the poets return, under the auspices, not of a heathen Saturn,—a fabulous divinity,—but of that Saviour, Christ the Lord, whose highest title is "PRINCE OF PEACE,"—and whose advent was announced in Judea, as the coming of "*peace on earth and good-will to men!*"

> "Aggredere o magnos, aderit jam tempus, honores;
> Cara deûm soboles, magnum Jovis, incrementum!
> Adspice convexo nutantem pondere mundum,
> Terrasque, tractusque maris, cœlumque profundum,
> Adspice, venturo lætentur ut omnia sæclo."

ESSAY

ON A

CONGRESS OF NATIONS,

FOR THE ADJUSTMENT OF INTERNATIONAL DISPUTES, AND FOR THE PROMOTION OF UNIVERSAL PEACE, WITHOUT RESORT TO ARMS.

By HAMILTON.

ESSAY.

THE profound inquiry is of vast importance to men and nations. Their patient and dispassionate consideration could not well be invited to one more interesting or comprehensive. To convince the judgment, ensure confidence, divest the political world of various prejudices in favor of war, requires great caution, lest any intemperate zeal be indulged, or equally injurious fears consulted, on a subject of such magnitude. For these ends, and no other are had in view, we are compelled to begin the investigation much in advance of its main object. Nothing, however, can be deemed too remote from that object, which inseparably hangs on each step of our progress to obstruct or discourage. As the hindrances and objections to the foundation of the proposed institution spring from the idea, that it will impair sovereign rights, or may be all traced as effects of tyrant custom, emanating from the vainer idea that war cannot be dispensed with, it manifestly becomes

important to glance at the reasons urged in behalf of that custom, as well as consider the nature of the evil whose prevention in any manner, as it is feared, may impair national sovereignty.

It is fully admitted, in the very terms of the law of nations, "that the continuation of peace is the greatest good, to which a nation can aspire;" that originally, "mankind combined in a political union for self-preservation, and from a natural attachment to peace;" that nature's first law is, "not to injure others in their rights, if we desire to be respected in the same social relations." On these principles the civil law claims to be based,* and on them the gross injustice of war,—the feasibility of this Congress,—and the unwarranted exercise, in fact, of the war-making power on the part of any government holding such principles to be obligatory, might safely be rested as propositions altogether conclusive and axiomatic. How entirely at variance with such principles is that portion of international codes which sanctions wars, will abundantly appear in the sequel. If war be that "scourge,"—that "hideous hydra,"—that "code of human destruction," which history, law and experience would have us believe, how can it be argued or even asserted to be nevertheless indispensable, expedient or unavoidable? Every where justice is called immutable; and yet, with a knowledge of what war is in our minds, it is diversified, being two distinctly different things in national and in municipal points of

* Azuni's Maritime Law, Vol. II, pp. 2, 21—74. Burlamaqui, p. 121.

view. What belligerents do, ought, therefore, no more to be considered as lawfully done, than what individuals do. It needs no argument to prove, that homicide retains its criminality, when tested by every thing except state policy (and this for the honor of nations and the good of mankind, we would correct by this Congress), whether committed by an army or out of an army, whether authorized by nations, towns or mobs. By no process of reasoning, if, indeed, justice be immutable and every where the same, can this be thrust aside as a mere abstract argument. Nay, the groundwork of the civil, no less than moral, law, will be found to sustain this position in all its force.

It is freely admitted that some wars have occurred, which might be justified as *defensive*, considering the peculiar *exigences* which gave rise to them. They are, however, extremely rare cases, as the historical student knows. With so much propriety, too, may they be considered the *effects* of wars offensive, — and, above all, they so exclusively depend for their justification on the supposed incompetency of arbitration or negotiation to meet their case, — that we need not stop to except them from a common denunciation. In such instances, what might have been done by pacific, or what was lost by hostile, measures, it would be presumptive to suggest. Nor need other discrimination be made between territorial and naval warfare, except to say, that the latter serves to widen the devastation of violence, and to show still more obviously that all war is conventional, insufferable

and unnecessary. In general, civil wars, perhaps, may be excluded from the range of power to be entrusted to this Congress, dependent as they are on the power of the country alone rent in pieces by them; or, if not, invoking the interposition of this Congress, on the same ground with international differences. Therefore they require no distinct consideration; and it cannot be doubted, that the establishment of the Congress will tend to diminish their number and shorten their duration, for they are often the results of, and have ever been encouraged by, international wars.

Neither in a moral nor a national point of view, can war be lawful, except as being *indispensable* to acquire or defend some right or redress some wrong.* It must be unlawful to seek justice in the mere conflict of physical forces. Justice and violence are not consequences of each other, and as clearly have no connection authorizing an inference that national disputes can be rightly adjusted by force of arms. A common international tribunal of justice and equity is the new system proposed. This is to supply the place of war which has been a system, in effect and in operation, of force,—of chance,—adverse to national and natural rights, and to none more than the right of *protection* of life and property. The choice between life and death, happiness and misery, is not more important than the choice between these repugnant systems. Men and nations are not at

* Vattel, book 2, ch. xviii, §§ 336—338; book 3, ch. i, § 1.

liberty to assume, first, that there can be no other way of dispensing or obtaining justice but the law of force. If there is another way, more certain or even less *objectionable;* if, indeed, war is inadequate and unjust,—propositions which may be fully established,—certainly Christian and civilized nations, at least, will no longer doubt the possibility of abolishing the monstrous custom, or the feasibility of the proffered substitute. That the custom among nations of butchering one another was monstrous and futile, one would suppose had, after so much experience, become an undeniable fact. But international law implies the reverse, and in a surprising degree, popular sentiment, tenacious of its martial prepossessions, echo-like repeats the same justifiable necessity and the same practicability of war! Centuries ago the world knew *whence* came wars; and yet divine truth, attested by incalculable human experience, has effected little change in the law of nations. Nay, in discovering the change, it can scarcely escape observation how much more monstrous and futile the custom is in *practice*, than it appears in *theory*. But it is the natural tendency of the mind, unless arrested and directed by the spirit of reform, to be narrowed, controlled, blinded, prejudiced, by an *existing state of things*. A vast deal of *law*, as well as opinion, is currently adopted and perpetuated, without the spirit to contest or revise it. The Chinese laws recognize the existence of witchcraft; but does such recognition prove any thing in its favor? Certainly bad precedents afford no reason to follow them,—no safe,

no honorable rule for national guidance,—else any outrage is legal, and every abuse of power binding on government. It is wiser to distrust most of all those very expedients and customs, which are assumed to be right and useful because immemorial. It would be sounder reasoning to show the necessity and usefulness of war, and then vindicate the past policy of nations. If wars have existed so long, surely these prerequisites, as a ground *for its continuance*, ought to be readily established. If none can prove evil good, on what ground will it be advocated, except its being the immemorial mode of national controversy? But this completely admits that it is only the *manner* of *conducting*, and not the *means* of *settling*, national disputes.

It has often been said, in derision of theories the most practicable, "you cannot change human nature," and, therefore, it might be argued, wars will continue. Here, again, the reasoning rests on the custom. Now of many answers to this vague objection, the simplest and most conclusive is, that the object is to revise and improve, by means of this Congress, the administration of international justice, and not in the least to reconstitute man. He will, essentially, remain the same being under any system of national action. No such idle theme is advanced presupposing the contrary. But it is as idle to pretend that the institution of a court to adjust disputes is an attempt to change human nature. The supposition is all shadow. Common observation tells us that good institutions hold bad passions in powerful restraint, while evil customs

are their very nurseries. Laws erect tribunals to try indictments for personal assaults; and are the laws, tribunals, indictments, disfavored as chimerical attempts to change human nature? All see their practicability, policy and tendency. None question their success or quibble about their necessity. But go back to a state of nature,—let *men* fight for rights as *nations* are authorized to do, under the sanction of custom,—let not the soldier alone, but the citizen be a privileged homicide,—what would justice be, but a name? Is not the objection, then, shallow? Nay more; daily observation discerns a change in human nature, and all the change that is desired, or possible, in the sense of improving, directing, restraining it. Two successive ages scarcely present similar images of political society. Nothing can vary more than the conduct of nations. But is not a court of arbitration better calculated than war to meet these variations? It might with more plausibility be insisted that naturally man *was too changeable* to endure long the thraldom of law unresisted. But so numberless and diverse are his springs of action, we are only sure of his following his interests, and might fairly abandon this subject, were not all his dearest interests manifestly hazarded and ruined by war. The feasibility of the proposed Congress, then, appealing to the social relations and the individual prosperity of man, is not a matter of fear in view of this objection.

From considering what war has been and will continue to be to men and nations, two important inferences must follow: that, as a code, it is inconsis-

tent with justice, visionary in theory, indefensible in practice; and, as a *custom*, it deserves the abhorrence instead of the support of all enlightened men and rulers. On these points, consult neither fancy nor skepticism, but appealing to universal history, suffer national and human experience and testimony, matter of fact, impartial, indisputable, to decide. When monarchs so often confess, from their high places of responsibility, that human happiness intimately depends on peace, we clearly see how true is the converse of this elevated principle, and, in terms, are instructed to connect misery, confusion and danger, with war, external and internal. These declarations, of such high authority, are ample and direct admissions of the above inferences; and, above all, unequivocally *tend* to show, at least, how requisite *some* institution like that proposed is to maintain the principle inculcated. In these United States, our unexampled prosperity is justly ascribed to a pacific and neutral policy. "It has ever seemed extremely strange to me," says an eminent living statesman,* "that the objects of government are limited so much to belligerent operations, that its duties seem so exclusively referable to wars with other nations, when within its constitutional power are objects far more worthy of zeal and assiduity than such as look to war, victory or triumph." The President's "Message" annually congratulates the people on their friendly foreign relations, and the "speeches of kings" repeat

* Daniel Webster's Speech at Pittsburgh, July 8, 1833.

the congratulations. What are the object and character of a diplomatic ministry, if not pacific? Let the national cabinets, respectively, say then, whether all this is mere sound—mere compliment—mere form and deception. It cannot be so intended. It is not so received. Monarchs of this age will not proclaim to Christendom, that a belligerent people are happy and prosperous; that their rights are better secured than those of pacific and neutral countries. Doctrines like these would not obtain the credence and homage of enlightened man. They are the deductions of tyranny, barbarism or an insane ambition, and would be reprobated by every honest man. The careful observer of events, at home and abroad, finds the *pacific policy* of nations overruling that which is belligerent, operating on, and mingled with, the leading measures of government, as something eminently *practical, useful* and *liberal.* Still war remains customary and lawful; and, therefore, it is necessary to consider the *magnitude* of the evil to be removed by the establishment of this national Congress, as being one of its strongest recommendations to the judgment and confidence of men and nations.

From the destruction of animals to that of man was a most fearful transition, even for a ferocious, wandering tribe. Probably, however, the hunting ground thus became the earliest conquest. The discovery of the effects of superior force multiplied wars. Their *action* presents the spectacle of human massacres—desolated fields—burning cities—cor-

rupted manners — reason, law, the constitution, silenced by unbridled license! Their *rights* originated in cupidity, cruelty, fanaticism, intrigue and pride, "more than the *interests of nations;* having covered the earth with blood, and being deemed indispensable by the worst passions of deluded rulers." Behold "terror precedes, death and slavery follow — he whom *chance* has made victorious, receives laurels wet with human tears. So extensive seems the evil, that whenever its flames are lighted up, the whole globe feels its disastrous effect, and, as if the earth were not wide enough for the work of destruction, the sea has been joined to it and made one vast tomb!"

In the above comprehensive description, — and exaggeration in this matter is hardly possible, — the sentiments of a distinguished jurist* have substantially been quoted, whose text-book, like all before it, assumes the evil to be unavoidable, and capable of regulation on the sacred principles of justice. Now, does this description warrant, in the slightest degree, the belief that a resort to arms is an effectual or just expedient in settling national disputes; one that can be relied upon, by any means, to secure a right or promote justice? Does it not strike every mind as trifling with the sacred principles of justice, as a gross, palpable perversion of ideas and of first principles, to regulate the *extent* to which, or *manner* in which, the evil may *violate* these principles so sacred and unbending in the political code? What more in

* Azuni, Vol. II, pp. 6, 7, 9, 10, 14.

accordance with them, it is earnestly asked, could governments do, than to abolish the odious custom, and create in its stead this court of nations? After all the efforts of publicists to soften the rigors of war, if it remain still a system of mingled violence and injustice,—a reproach beyond the freebooter's retreat or council-fire of savages,—why must it longer be tolerated by national law or usage? Say not, as an occasion of rich adventure to those who would speculate on human suffering; nor prefer that more disgusting doctrine, that fire and sword are indispensable exterminators of a surplus or factious population. If *such reasons* demand its continuance, or make out its necessity, civilization cannot yet have dawned on earth, and this Congress with its objects is indeed a vain proposition. It would be a waste of time seriously to consider them, and it is enough to say, that it needs no argument to prove warfare any thing but the way to get rich, and that *when* a country is excessively populous or factious, the process of extermination will be the last to succeed. This event can call for such process only in domestic wars. It is, besides, an event hitherto unknown—an event to correct which no war was ever pretended to have been waged. Nay, we need simply ask, whether war is not the fruitful source of faction, springing from feudal systems—ministerial caprice—political maladministration—and not from the imperious necessity, which never existed, and may never exist, of depopulating a country? It is, indeed, attributable to any thing but the moral sense within, or the divine will without

us, if we are to look to its origin and effects, or regard at all its nature.

The *character* of *Christian* nations is deeply involved in this subject, since war is contrary both to the letter and spirit of Christianity. It must be abolished, and this Congress will be the substitute, if, under the sense of the influential and responsible position they occupy among governments, those nations desire the reputation of consistency—of being just—of promoting instead of opposing the cause of the PRINCE of PEACE. Their duty and obligation in this respect cannot be superseded by any reason of state—by any political sophistry—by other than a paramount obligation. The question must be fully and distinctly met, whether, under the guise of justice, this "greatest scourge of nations" shall be perpetuated and hallowed by law and usage? If they find it opposes, and is denounced by the gospel of peace—if it has proved itself an *enemy* to benevolent exertions and good institutions—if human virtue and learning are its sacrifices—surely they will not hesitate to empower this Congress to adjust national differences, and thereby repeal the law of national enmity.

The passages from sacred Scripture referred to below,* may amply serve Christian governments as a

* Matt. 5: 9, 21, 22, 44. 12: 25. 22: 39. 19: 18. 26: 52. 6: 33. Mark 9: 50. 10: 19. 12: 31. 1 Cor. 7: 15. 2 Cor. 13: 11. Acts 10: 36. 15: 20, 29. Gal. 5: 14, 20—22. 1 Thess. 5: 13. 1 Tim. 2: 2. John 13: 34. 14: 27. 15: 12, 17. 16: 33. 20: 21. Luke 2: 14. 3: 14. 1: 79. 6: 27, 31, 35. 9: 56. 10: 27, 28. 11: 4, 17.

lamp to their path and a guide to their future policy. The unerring word of HIM who is the *King* of kings puts at rest the pretended necessity of war. Let it bear conviction over the earth with its message of peace. What would be thought, if, by plain implication, the law of nations authorized the *people* to *steal*, as it does the *army* and *navy* to kill? Without doubt, it would become equally *glorious* to the crown and the subject. Are not both acts violations, under all circumstances, of an unqualified divine command? Is not war the very theatre of *pillage* as well as carnage? What, too, are the character and effect of the act, when Christian conquerors, so to speak, invoke at the head of armies, on the eve of a sanguinary conflict, on the harvest field of plunder, the blessing, the favor, the smile of a God of peace? Judge ye, if the act be impious or lawful, necessary and expedient. To nations, whose glorious appellations are *Christian* and *enlightened*, these injuries are full of fearful import. The wars of nations are unnumbered.* If, by their heart-sickening details,—their useless, wanton devastations,—their failure to protect national and human rights, the abolition of the custom is called for, what shall be said when

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18:20. Rom. 2:8, 10. 3:17. 10:15. 12:17—21. 13:9. 14:17, 19. 16:17. Ps. 34:14. Isa. 9:6. 60:17. Zech. 8:19. Heb. 12:14.

* There were twenty-four wars between France and England alone, from A. D. 1110 to 1803,—260 of those 700 years were spent by these nations in butchering one another. From 1161 to 1471 (310 years), 186 were war-time. From 1368, they were at war 101 in 103 years! —*Evangelical Magazine*, printed in London.

experience adds its clear testimony to proclaim war a grievous, hazardous, inconsistent system; and, above all, when its mildest maxim is condemned by the Divine Lawgiver? While the Christian sovereign looks from his throne of responsibility over a belligerent world, does he seek to encourage that reckless custom, will he preserve that impious law, which can suddenly, needlessly, arm man against his fellow? No, he will survey the homes of a social race scattered on its broad and sunny surface. He will, indeed, feel that every hearth, brightening with happiness, plenty, enterprise, virtue, is an irresistible argument for the proposed Congress of Nations. He will show the pleasant prospect to his wise and patriotic counsellors, his flourishing but imploring subjects. The unjust expedient of war will no longer seem *requisite* to obtain justice. Its sacrifices will appear too *precious*, its folly and rashness too *extreme*. Contrary to reason — the law of nature and justice — the moral and divine laws — and the great interests of men and nations, it will cease, and its vain glory all soon perish with it. Thus will nations *practically* acknowledge God's *supremacy*, whose word should be the foundation of all laws, overruling all laws, and whose sanctions outweigh all other sanctions. The doctrine, that man may enjoy his highest prosperity regardless of God, is contradicted by all analogy; and that all his powers should be productively employed is essential to his full prosperity. If the action of governments on each other should have any reference to such considerations, the pro-

posed Congress is certainly calculated to promote so desirable a result.

Observation will readily discover how little, in regard to war, that responsibility of action is acknowledged by collected society, which individuals separately feel and fear. Acting according to the sphere occupied for the time, on opposite, irreconcilable principles, they who are peace-makers at home and arbitrators among their townsmen, become, by a sort of enchantment, warriors beyond those limits. But the political grows out of, and depends upon, the social state, of which grand, universally admitted principle this Congress will clearly be the best practical illustration. The law of nations makes that right and expedient, which both reason and conscience condemn, itself originating from repeated violations of what is right and just, itself claiming to be founded on those immutable and unlimited truths obtaining between man and man. Again, this official or human inconsistency, call it which you may, on so momentous a subject, is not excused by the *immense number* of wars. Their number is far from indicating their *necessity*, for their *causes* prove the reverse; and it is by their causes alone, as history ascertains them, that we are enabled to judge. They multiply themselves. Therefore their number indicates a failure to effect their single legitimate object, justice. Still again, perhaps it is admitted to be a *desideratum* to prevent in some way the *evils* of war, and this done, war will become just. Now this Congress is *a way* and the *only way* to prevent war; and most manifestly there

can be no such anomaly, even in political economy, as war *without* evils — without injustice — so long as right and wrong are not identical; and this is a complete answer. Wherefore, when waged for the best cause, does it create in each belligerent nation a strong, persevering moral and political opposition — a peace-party sooner or later predominant? Blind and lawless despotism alone could have discovered a distinction between national and human rights wide enough to justify injustice, sound enough to substantiate the expediency or necessity of war. The whole superstructure of the civil law, territorial and maritime, would have fallen in ruins, if it had been raised on such a distinction. No. The political state grows out of the social; governmental rights are human rights. So the law, so reason, so the fact, unitedly hold. But how can the administration of justice depend on an amount of carnage; or how can the chances of battles, where victory or defeat is the precarious issue, secure the rights of governments? Are nations to expect rightful, satisfactory decisions of their differences, when the *rational faculties* of man are excluded from any part or lot in the matter? Law is said to be founded in reason, then let reason be the umpire; and testing the reason of the law of war, let this Congress settle amicably all international disputes. The sanguinary conflict — the protracted siege — the awful conflagration — have held their commissions under the "Great Seals," only to demonstrate their utter unfitness and incapacity to judge of rights and claims. It would seem centuries have been misspent

in consecrating the absurd proposition, that might gives right. It would seem the time had at length arrived, when force of arms would be discontinued, and political wisdom, integrity and justice be constituted by nations their safest and best political agents. But, strange as it may appear, so familiar are men with the custom of war, they may still think there is much to recommend its continuance, and, therefore, it will be necessary to strip off these decorations which their perverted sympathies have thrown around it.

Although it be true, that, if the action of war cause us to shudder, its spirit cannot accord with the spirit of justice, and although it will not be sustained on the ground of precedent and prescription, still an apology may be sought for it in the present state of the world. The refinements of life seem enlisted on its side. The muses are lavish of their laurels to the "brave," breathing sweet requiems over the "soldier's grave." The canvass is intently studied by the secluded villager, till in his enthusiasm he envies the "nodding plume," longing, at the inspiriting sound of the bugle, "to follow to the field some warlike chief." Romance elevates martial life—sculpture points to martial statues as its *chef-d'œuvres*, and architecture boasts of structures commemorative of hostilities, forgetting how much at variance are the monuments of war with the temples of peace, which it can place side by side. A love of glory, like a contagious disease, infects to an incredible degree the human mind, through the various channels of literature and

science, possessing the young recruit till he sinks into a premature but peaceful tomb. But if war occasions heroism, so does a fever; and equal praise, for consistency's sake, should be given to the inquisition and to torture. The scholar confounds, indiscriminately, military and moral courage, and the latter appears to have dwindled to a secondary virtue. It is little to be wondered at, then, that government should cherish the idea of a just administration founded on force of arms. But the true patriot—the political benefactor—the statesman and sovereign worthy of Christian or enlightened nations, are only they whose love of country is tempered with that principle of common justice,—the right of the human race,—which connects other governments with their own in the alliance of peace and friendship; an alliance the most advantageous and honorable. It is on such a broad, beneficent principle, as its very basis, that this Congress will rest, and through such an alliance, that it must operate.

Again; war is called "an admirable art." It certainly has gained an ascendency over the productive arts. Admit that some good has resulted even from this evil of evils. Admit, in the words of the American Secretary of War,* that "the science of war is an advancing one, to the study of which a large portion of European talent is devoted." Still, as rational men, we must so much the more regret its prevalence and inauspicious growth. So liable is it

* Lewis Cass's Report, Jan., 1832.

to incapacitate rulers to administer government with integrity and justice, that every where the people are cautioned to weigh well any "reputation earned at the cannon's mouth." As a science, war is unlike every other science; in its influences, positively injurious; in its effects, absolutely destructive. As a science, it is not to be upheld as a means of adjusting national disputes. If it has improved the manufacture of articles useful in time of peace, or led to any scientific discoveries, its inseparable devastation and flagrant mischief as an avenger of wrongs, its manifest inefficiency as a guardian of rights, are not thereby to be argued out of consideration. Each crime in the calendar has in some way or degree improved the political constitution and social condition of mankind. Who, therefore, advocates the commission of crime? The improvements and discoveries resulting from war were not the *inducements* to wage it in any instance, but purely and simply accidental. It has prevented improvements and discoveries; how are they then incidental to it! They are purchased by human blood; therefore human invention will freely relinquish the chance wars might furnish to benefit the world. Compare the discipline of soldiers—their courage—skill in tactics—display—sense of honor, with pacific enterprise—free and secure commerce—the intelligence, arrangement, moral progress of society. Compare the purposes of strife with the principles of justice—the bravest man with the justest—the din of arms with the hum of industry—and be convinced that the proposed Congress is eminently

practicable as a measure of national aggrandizement and sound policy. The plague, sooner to be expected from war, if we credit history, than improvements and discoveries, might equally well be commended for its service to the medical art, as war for its scientific developments. Names will not, then, succeed in hiding its odious and destructive character. When it is said that now army opposes army, we still understand that man opposes his fellow. The art of war is admirable, indeed, for nothing but injustice; the science, too, is in prospect advancing but to its perpetual extinction. Man, it is expected, will be enterprising, whether the subject employing his capacities be evil or good; and a great point is certainly gained, if governments are made aware how much depends in this respect on their pacific relations.

In the event of the establishment of the proposed Congress, nations will suffer no loss by the discontinuance of war, in respect to the *rights of war*. This may be inferred from what has been said of the *nature* of the evil. The base *origin* of those rights has been already stated. They are in no small degree imaginary, and may be all comprehended in the right of the strongest or boldest; a principle of all others the most untenable, odious and pernicious. They contravene the law of nature, because that admits but the single broad right of self-protection, to which war is always and peculiarly opposed; and because that law clearly intended mankind, and of course nations, should be mutual friends, for their

mutual advantage, since no country produces every thing necessary for its inhabitants. Hence it is seen why the rights of war "form that Gordian knot, which publicists are unable or unwilling to untie," and why some are compelled "to justify certain acts of violence."* All other rights but those of protection in person and property, and even these in a great degree, are relative; and most manifestly, if any thing would seem calculated to ensure such protection, it is the proposed national Congress. Certainly the right of the strongest has nothing in it of *justice* to recommend it.

Among war-rights, let us select that of privateering, which stands very prominent in the books of authority. What it implies, is so fully described by another, that his language needs only to be transcribed to illustrate the above positions. It will, however, be well to remember, that this, as well as other rights of war, is in extent *questio vexata* at this very moment. After intimating that the same liberty and protection should be given to navigation and commerce, which the consent of all Europe gives to the intercourse and property of individuals on land, the French mininister, Chausabin, adds, "how honorable to France the proposition to *suppress* that pernicious custom, which, on occasion of the quarrels of states and princes, interrupts in every sea the most necessary intercourse, defeats those speculations on which the existence of people, strangers to those contests, often depends,

* Azuni, Vol. II, p. 23.

which suspends the progress of human *discoveries*, arms individuals against each other, delivers the property of the peaceful merchant to pillage, and devotes to death the navigator who attempts to defend it."* It may be simply asked, by way of comment on this passage, if this Congress of Nations is not precisely what is wanted to suppress this pernicious right of war? There is no other right of war, the exercise of which can tend more to create international wars and disputes, which tendency there can be no doubt more or less characterizes every other.

Again; the rights of war will cease, when this Congress shall preclude the exercise of the national right to wage war. But if it be said that, with the extinction of their war-making power, nations will lose one source of wealth, supposing a right to be in some sort itself wealth, it is confidently replied, that no government declares war to enrich the public treasury. So far from it, the invariably expected consequence of, and therefore one of the strongest arguments against, war, is an embarrassed and empty treasury. The late conquest of Algiers by the French will not be justified on any mere computation of spoil. It had an incomparably higher object. After so much experience on this point, it may be asked, if nations propose to continue war in order to extend their territory or sovereignty, which still more properly may be considered sources of national wealth? Is it really practicable to risk and impov-

* Azuni, Vol. I p. 159, note; and Vol. II, p. 360.

erish a present possession, in the hope of magnifying it? On such a calculation, by such a vain hope, are not territory and sovereignty to be, because they have ever been, lost or impaired? to be at the mercy, indeed, of political chances and capricious fortune? The fair conclusion to be drawn from the continual exercise of the war-making power, seems reduced to this: that hereafter might—not mind,—force—not justice,—is to give, establish, secure, and usurp rights—weakness to be denied them; and what is still worse, the decisions consequent from such a state of things are to be deemed and taken as *just decisions.* Such a conclusion, such propositions, more than imply the existence, among powerful governments, of that desire of universal monarchy so much dreaded heretofore, and so generally disclaimed now as *chimerical,* and among weaker states of that factious disorganizing spirit, which seeks an equality of national rights, power and domain. But were wars to be repeated to the end of time, there is no other reasonable prospect or expectation that can be entertained, except that wealth, domain, rights and power would ever be as unequally distributed as now among nations. Remembering, moreover, that victories are events of chance and achievements of mere physical force—that by "aid of armies nations trample under foot the rights of man, regardless of justice"—there could scarcely be devised a more safe, reasonable, honorable way to magnify national power and wealth, to add new glory to the crowned head, than is presented by the institution and anticipated from the operation of the proposed Congress.

Much will be said, and still more imagined, by those wedded to the custom of war, to show how *improbable* the event of the establishment of such a Congress. We may be reminded of the influence of standing armies, which, though opposed to free institutions, will continue to intoxicate the public mind with visions of glory. We shall be told that the military laws of civilized and Christian nations will be endured, though deemed oppressive; that self-denial must not be expected of governments, if it cost them a time-honored usage, however adverse to just principles; that fame will lure the aspiring youth onward, be it through human slaughter; that nobility traces back its proud titles to success in arms, and will not suffer a single family escutcheon to be irreverenced for the peace or security of all Christendom. Such is the array of improbability desperately brought against the overthrow of a violent and unjust system, and similar have been the obstacles in the way of every species of reform. But what does it all amount to? Is it not to be expected the deluded advocates of war will rally round the custom, when they fear it sooner or later will be superseded by some common pacific national institution, and when every effort is even now requisite to prop up the obnoxious law of force, and nourish assiduously the martial spirit of men? In reasoning from the past, or rather its consequences, none can fail, if unprejudiced, to discover what is most politic and safe for the future. The only serious opposition to be anticipated, will doubtless arise from the fact that war is a national cus-

tom, so general, so mingled in political constitutions, so often resorted to in past ages, that any substitute would at the first impression seem impracticable; and this is all the improbability impending over the subject. But governments have denounced piracy, slavery, and many other measures or practices favored by state authority. Changes, radical and sudden, in national policy, have often revolutionized the habits of society. The human mind regards now with surprise its own timidity, and tardiness, and prejudices, when it surveys the extensive reforms of former times. Again and again has the unrivalled cause of national and human improvement proved itself mightier than prejudices and improbabilities. If war has nothing to recommend it but its past effects, and must ever be from the nature of things what it has been,—if men are driven to improbabilities merely for weapons of defence, as if what seemed probable was decisive,—then is this Congress nearer at hand in its organization than some of its able supporters imagine. Chivalry has broken its lances—superstition risen like morning mists from the realms of ignorance—devotion to arms fast declined—tyranny cowered and fled before the light of liberty. The precepts of religion—the happiness of man—the social principle of nations, are on one side of this question, opposed by the influences of a most atrocious, useless and pernicious custom. When the sword, red with countless massacres, becomes a loathsome object; when the legality of war is regarded as the fountain-head of all its mischief and misery, repugnant to the

designs of creation, to reason, to national dignity, the custom will surely be abolished, and resort will not be had to mere fanciful objections as to the *mode* of its abolition or the perfectness of the substitute employed to effect so vast a result.

Perhaps no argument more convincing could be urged in favor of this Congress, than what an extended view of war, in the detail, might furnish. Obviously, the remedy can be best ascertained and will be best appreciated and enforced, by recognizing and developing fully such a political malady as national hostility appears to be. But while history, diligently examined, raises no difficulty or objection for the advocate of war against such a Congress, he will find reason, practicability, necessity enough there for the measure; and the horrors of a thousand scenes of human strife will serve to abate, if not extinguish, his thirst for military renown. The real merits of this question of reform are not to be covered up by mere doubts, fears or improbabilities, however sanguine. To scatter these at once, it might be enough simply to invite nations to *try—try—try* the experiment, if such it is deemed, of this institution. War has been a long-tried experiment; and has it not miserably failed? Sufficient has been already said, to show most clearly that it is in origin, prosecution and interruption, as conventional as any other national act. It seems idle to talk of wars as unavoidable, when, no less than peace, they are matters of grave debate and deliberate argument. The human mind need not measure the evil custom in length and

breadth, to find how destructive it is to the works of skill and labor—how afflictive to the innocent and defenceless—how protractive of man's moral, social and intellectual growth. The light of history exhibits its glaring mockery and perversion of justice. Who, indeed, will prove or maintain, that it is a *useful* exercise of political power? Who denies it to be the fruitful source of public and private misfortune, crime and distress? Does it not present the most *inglorious* spectacle of national or human prowess? If these things are so, it is time to provide against the recurrence of the calamity, desolation and injustice, which for ages have traversed the earth in the monster shape of war,—time something was substituted in its place, more creditable to the wisdom and humanity of nations claiming to be civilized, just or Christian. When the nations have arrived at such a conclusion, it is manifest some institution like that now under consideration will be necessary, and it only remains to see how long they will avoid that conclusion, pressing upon them on every side, by adhering to their past course of policy, and sheltering themselves under a right never yet exercised without distrust and hazard.

The advocate of reform always labors at a great disadvantage when forced to anticipate difficulties and objections; nothing short of definite allegation being susceptible of satisfactory analysis or disproof. There is little doubt that the manufacture of fire-arms and other implements of human destruction would hardly equal, in ingenuity or variety, the manufacture

of pretexts for the continuance of war as a measure of national policy. But it is confidently believed they would all be found as untenable as those already anticipated. There is, however, a remark which claims a passing but respectful notice, since it was made by one every where venerated for his political integrity. We refer to General Washington's admonitory sentiment, "in peace prepare for war." This sentiment is deservedly popular, considering the time and circumstances which elicited it. It is popular for its high human authorship and its accordance with the common prepossessions in favor of martial things. It might well be insisted on, now and for ever, as one of the safest political maxims, could not war be avoided by some pacific convention or institution. Many true patriots have expressed similar popular sentiments; but in reference to the proposed Congress, they present no objection—raise no argument of impracticability—justify no discouragement. War may have its impetuous advocates in the national cabinets; bloodshed, revenge, and retaliation by force, may be *preferred* by some to any new system of reconciliation or adjudication; but will it not be on the ground that there can be no other system of national defence, which is a palpable *petitio principii?* Is peace only likely to be valued by sacrificing in wars national honor, security and justice? Is it a fair inference, or a plain *non sequitur*, that patriots of a Washington school would advocate the necessity of war, and maintain the impracticability of this Congress, because they said or performed what they

have in the distracted periods in which they lived, without the slightest discernible recognition in their minds of any measure like this Congress to prevent wars? Every true patriot has considered war a *national calamity;* and it is worth while to notice that the American Revolution was in fact a *defensive struggle*, and that as a general dictate of wisdom, the best preparation against the calamity of war would seem, at least, to be the attempt, by this Congress, on the part of nations, to *suppress* and *supersede* rather than encourage it. Let the maxims sanctioning war be ever so popular, authoritative or numerous, one remark applies to them all: they stand or fall, in regard to this Congress, on the absolute necessity of war alone; they relate to the past and existing practice and law of nations, and in this view there is every reason to prepare in peace for war, the object being a vigorous defence and not to prevent the resort to arms. So long as governments *elect* to adjust their disputes by force rather than pacific measures; so long as the people are ignorant that war is just as avoidable as peace, the history of nations will for the future repeat their past calamities, and in view of such a prospect the sovereign and subject may well feel the inducement to establish this Congress. If the custom of war prove too deeply rooted among states, possessing the affections or judgment of the people, who, with their rulers, see nothing in it but glory and expediency—no folly—no hazard—no misery—no injustice, then it can be no prediction to foresee old empires broken with discord, ravishing, and fresh

usurpations following fresh conquests.* The peace-maker will fly to the lonely fountain from the thunders of battles, disgusted with the rashness of his rulers, deprecating that policy which, depending on the the sword, substitutes violence for justice, discord for reason, martial for moral glory, hatred for amity, piracy for commerce, pauperism for enterprise, death for life!

The idea of an institution like that here proposed seems not to have been distinctly entertained by any civilian or even moralist. The prevention of national war, by such a provision, must be regarded as a *casus omissus* in political justice, much to be regretted, if not wondered at. So far, indeed, does the encouragement *legis scriptæ* fail us on this important subject, —expected, as well it might be, from a code of principles so inclusive of this question as is the liberal science of civil polity,—that the pervading tone of the law of nations favors and justifies war. Writers assume it as a primary principle, and an uncontroverted postulate, that war is a *necessary evil.* It is expressly said, that the law has "consecrated, through the irritable passions of man, that unfortunate necessity, which allows belligerents to do each other all possible harm,"† and a host of passages might be cited, from various authors, of the same character. But it could not have ever been denied with a quiet conscience, that national peace was a *necessary good.* If publicists would moderate the excesses or lessen

* Azuni, Vol. II, p. 9.

† Ibid. pp. 18, 23.

the evils of war, admitting as they do that the custom is replete with them, they have at most only doubted or dreamed of its abolition. While the *frequency* of the calamity has been anxiously considered, its perpetual prevention has been strangely overlooked.

But the merits of this institution do not depend upon authority, and from their own light may be not clearly seen in all their force. If it be supposed that it could not have been founded in any former age, by reason of the degraded condition of man, it merely follows that its ultimate establishment demands a certain degree of civilization. But it would be very difficult to prove it could never have been established. It certainly has never been attempted, and scarcely can be said to have been suggested by any speculative theory. Now the history of man abundantly shows how great discoveries raise the people from a degraded condition. It shows, too, how large a share in their debasement war has had. If it were even true that mankind, or a sufficient portion of the race, are not at present in a condition to admit the institution, it must itself refine and restrain the people, by delivering them from the influences of war, as baneful as they have proved to their moral nature and national condition. If this Congress may be regarded as a discovery, like the compass-needle, we trust it may lead to as much civilization and vastly more international harmony. The effect cannot precede the cause, and it is enough that the evil exists to be remedied, or that it ought to be and can be remedied. There can be no doubt of the fact that the improve-

ment of the subject is, to a very great extent, within the power, and results from the measures, of government. This is reason enough to show that this question is a practical one, and also what is the duty and interest and honor of Christian or civilized nations in view of it. Why no express opinion in favor of this simple mode of adjusting national disputes, whereby nothing is lost but the right of using force, and every thing gained, can be found among writers, is very easily accounted for. At no period have they entertained the single view of precluding war universally by the concert and consent of nations; or, which is the same thing, by pacific international action. Their purpose has been to collect or improve the law of nations, to apprize society of its rights and remedies, rather than originate any new system, or supplant approved principles and rules. Without their labors, all would have been confusion. They have, therefore, unconsciously, and to a very considerable degree, led nations into an uniformity of action, and thus opened, in some sort, the way to the establishment of this Congress. But although all civilized countries know and observe the great landmarks, so to speak, of this common code, yet the age is more behindhand in respect to the law of nations than any thing else. Nor is this Congress objectionable as an innovation or experiment. The experiment of warfare, after the trial of many centuries, has resulted in a failure, and demonstrated, if its history be credited, its injustice and folly, if its original or assignable object have been the good of the people

or the protection of sovereign rights. No fact can be more conclusively established than this. The law writers have been glad to find certain legal principles common and inviolable among governments. But a new and most auspicious era will manifestly be introduced with this court of nations, in this respect.

Notwithstanding the silence, remarkable as it seems, of publicists on this subject, they have greatly succeeded in softening the iron features of "unrelenting war." We hear the beauty of "modern warfare" boasted of, and however curious any history might be of national enmity from the day of scythe-armed chariots to that of gun-powder, it is irrequisite, and would be misplaced here. To give the "science" of human slaughter—the operation of the code of national injustice—their utmost modern distinction—would, perhaps, be merely to mention that "steam-ordnance," by which an incredible amount of misery is effected in the briefest possible time, and which, if known when the Israelites warred with the Moabites, might long ago have settled this question. If mankind never before conceived of deciding their rights without a resort to arms, still the evils of war have been the subject of legal provision, and even prevented by the unanimity and confidence with which conciliatory measures have been urged upon nations. The desire to maintain national rights is too laudable to be fulfilled by such unworthy means as the slaughter of a multitude (thereby deprived of the enjoyment of the rights contended for). Certainly it is a *desideratum* that their maintenance and security

should not be attended with such a sacrifice of public prosperity and private happiness as is caused by wars. In every attempt to make an evil custom as virtuous as some fain would imagine it has become, in every effort to improve modern warfare, the civilians seem to advance toward its abolition. But after all, so long as wars continue, there surely can be little room for the exercise of tender mercy or justice, when nations proclaim themselves enemies, and the sword and musket alone are used to show how savage that enmity and how adverse the rights of man. If then the mischief be great of continuing the present expedient of war, it seems better policy to avoid it by a more comprehensive and effectual plan of adjustment; and this Congress is proposed as extending to all cases of national difference the same correcting, remedial and conciliatory principles which have strangely, hitherto, been confined in their application. All past amicable negotiation is an approval of, and strongly recommends, the institution, where will be obligatory and operative the same law, consent and power, object and interest, which have originated or effected previous pacific compacts.

The methods of terminating national disputes, preferred to war by the law of nations, as the mildest and best calculated to do justice, are, "amicable accommodation, negotiation, mediation and arbitration." By the first, nations for the present renounce, without abandoning, some right after examining in good faith the subject of the dispute; by negotiation, they recede on both sides, agreeing each shall have

the thing contested, or that one of the parties shall have it on condition of certain advantages granted to the other; mediation, "often found effectual," is where a common friend interposes to reconcile the contending parties, or makes them agree to relinquish their rights; or in cases of injury, to offer and accept reasonable satisfaction. The last method, arbitration, is the submission of disputes to arbitrators chosen by common agreement, by whose decision the parties are and ought to be bound, except only when produced by corruption or flagrant partiality.* "The strict right *may* be mistaken by the arbitrator; but it is still *more to be feared* that it will be overwhelmed by the fate of arms."

Such are now the legal provisions common among the nations; and they seem only to require the agency of this Congress, to make them sufficient and effectual. Indeed, to operate at all, the institution would require just such legal provisions or modes of action. In point of principle, then, it cannot well be objected to as a *novel* institution. In some respects, perhaps, it may be called a bold measure; but, surely, in no view a hazardous one. Some, too, may denounce it as an innovation; but what philanthropic plan has not been such? Political doctrines, no matter how ancient, like every thing else, must yield to an enlightened sense of justice and the popular welfare. The "reason of state" may always well reward our investigation, when it becomes a subject

* Vattel, book 2, ch. xviii.

of profound *suspicion,* by its own plots and subterfuges of darkness, screening every thing and any thing from the knowledge of the people. But one thing is quite certain, that this measure will stand the scrutiny, and satisfy the desire of the patriot, however much opposed by the political juggler or the anti-humane. If it were entirely a novelty, it would not on that account appear inexpedient. We shall presently inquire how much and fast, of late years, *public opinion* has favored it. Besides, the objection of novelty, should it be pressed, does not attach to the institution, which substantially is nothing more than the *creation of an agent;* but rather to the civilized world meriting as it does the reproach of not having *earlier* founded such an institution. This Congress is in form only novel, but in principle it is an *improvement,* a term of marked significance in this "age of improvements." It would enlarge and secure the past pacific policy of governments for the future. It professes to unite their respective power, and pledge their cooperation for this common beneficent object. If history be consulted, it will appear that the wisdom of nations has been taxed to divine pacific means of adjusting their disputes. Unfortunately the advantage of the present modes of adjudication or compromise, originating as they do, conducted as they are, is temporary, accidental, limited or exclusive. But this Congress, considering its origin, character, influence, design, promises a lasting, certain, universal benefit. Wars have often been prevented by *treaties.* Now what, in plain terms, are treaties, but concessions,

submission, satisfaction? If so, are not wars unnecessary to obtain justice as between nations? This very principle, unlimited in terms, ought then no longer to be narrowly or unfrequently applied. The effects of vain-glorious war are summed up in the single word, desolation. The effect of this institution will be permanent national peace.

But the all-absorbing inquiry is, What is the most efficient way to secure national peace, and with it national prosperity, the world having found war the prolific source of disputes which reproduce war? Now nothing nearer the existing modes of international compromise, nothing more in accordance with the law and spirit of modern amicable diplomacy, could possibly be devised than this national court, with any reasonable expectation of preventing wars or adjusting disputes. It may be said, that its existence will be precarious, that its stipulations will not easily be enforced, since the mass of mankind are governed in their political relations by passion. It will be said, moreover, the multitude, easily excited against their true interest, are unrestrained by moral sense or legal penalties; that their feelings and opinions, as well as the state's honor, being involved in political questions, the Congress cannot succeed on account of its distance from the people, since even the obligations of municipal laws are sometimes disowned, though directly affecting them; that its decrees will be dictated in a fear of the people, just as compacts and treaties *have been made* for the occasion or party purposes. We may be asked, if

revolutionists of a country bound by the Congress will respect its decrees if adverse to their plans? Thus stands the objection, or rather the fear of the success of the institution, at full length. It is manifestly founded, however, on human imperfection solely, whence springs all evil, political and moral,—having compelled many a reformer to fold up for ever his beneficent theory,—implying that nothing could be done, when something clearly ought to be done, to improve the conventional system of international jurisprudence. Nay, it would prevent all improvement in the condition of men as well as nations; and because they have been or are factious, encourage them to remain so. As to the case of revolutionists, it is enough to answer, that any decree of this Congress will remain obligatory until revised by a new submission, and executory until the domestic disturbances of a nation affected by the decree, and over which disturbances the Congress will have no control, shall have subsided. When faction is confined to a single nation, the dispute cannot be of that international character which alone is to warrant the interposition of the Congress; and when more extensive, it is little to be feared that such interposition will be either unheeded or unsought.

But individual self-government, or national self-government, has as little to do with the operation or success of this Congress as it has with family discipline. If mankind be so alarmingly factious, it is a much stronger objection to the regular police of the villages and cities where they reside, than to the

form of administering international justice, or the manner of procuring the world's peace. For, after all, this is very much a mere question as to the manner in which a certain common *diplomatic power* shall be executed, the principles on which the Congress is founded and which it proposes to administer, having been long recognized and practised upon. It is remarkable, too, that the factious spirit itself among the people is one cause of the peace which prevails between governments. Vattel* says, in his Preface, "Men, being far from observing, voluntarily, the rules of the law of nature, have recourse to political association, *as the only proper remedy* against the *depravity of the multitude*, and the law of nature approves of this establishment." Now most manifestly, this Congress is to the same end a political association. If nations are factious among themselves, and we can hardly conceive them to be so in the same way as individuals, would they not for this very reason, united to maintain peace through the intervention of a common mediator, more assiduously and cautiously guard themselves against any violent outbreakings? It is, however, even said, "that permanent security against political evils will not spring from the virtue and purity of the people," human foresight itself being inadequate to such a result. But cannot this national association prevent if not abolish war? For the question is not, whether, in respect to it, human depravity or popular

* An author of sound judgment and universal philanthropy, according to Patrick Henry, and one entitled to great confidence.—*Wirt's Henry*, p. 326.

turbulency be total or partial, favorable or adverse, nor what effect, indirect and remote as it must be, these will have, or an unenlightened community may have, on international harmony. May we not reasonably believe that faction will be much more confined, transient and powerless, when nation shall cease to arm itself against nation to settle their differences? What more practicable method suggests itself of preventing popular rebellion, than to encourage popular peace? Faction is ever fed by prospective advantages. Is its object unconstitutional?—it is defeated *lege loci*, or by a stern and steady sovereignty. Is it constitutional?—the people will prevail even without a civil war, and, so far as this Congress could have any influence, the claim of constitutional right would not fail to be aided and respected.

The institution would suffice as a vast improvement, if it effected its object as uninterruptedly as the law of the realm. But will it not succeed better, being less exposed to popular infraction? The present modes of diplomatic intercourse and the instances of negotiation are carried on and concluded with more satisfaction to the mass of the people, scarcely ever eliciting any excitement, than, if the very same results had been attained by force of arms, would or could have followed. The reason is obvious; the people have confidence in the means thus used to do them justice in their national capacity; and will they not have confidence in this institution, established for the same end? We might with strict truth say, that compulsion, much more than patriotism, has been the means of

forcing immense armies into the battle-field. Systems of impressment and enlistment have even led to wars. If men are forced to be soldiers, what is patriotism likely to become but a reluctant allegiance? or what becomes of the constitutional right of liberty, property, limb and life? Now if these things are so, in which event may faction be looked for among the people, in cases of amicable negotiation, or when wars are declared as often as disputes arise? It is, then, one of the plainest propositions in civil polity, that faction is almost invariably the *consequence*, seldom the inducement of war. Perfection of government can be the *ultima thule* of popular desire only so far as it is a source of human happiness. If the law of war or of nations contains a better principle than this, the eyes of an Argus would fail to discover it.

Of the probable success of this court of nations in enforcing its stipulations, it is, at present, enough to say, that it by no means depends on *extreme cases.* Could it be confidently asserted that in some rare instances, and which cannot be foreknown for their unprecedented character, its stipulations or decisions might not be supported, war would not *necessarily* follow, nor would there be cause for abandoning the measure or despairing of its general utility. There would be equal reason to dissolve every civil compact, *in esse*, were its infraction matter either of vague prediction or fair conjecture. If the parties to the dispute were not satisfied with and will not abide by the decision, there might be a new submission or a new Congress, or both. But for argument's sake,

admit there is ground for distrust; grant that the Congress, like all human or national institutions, will come short of its noble design, not being competent completely to execute its trust; may not the fault be in the nations, rather than in the institution? May it not, nevertheless, by its own magnanimous power and character, accomplish its object adequately? If there be any assignable reason why it will not, we are at a loss to discern its faintest shadow. Laying aside the fears of a foreboding speculator as unworthy the subject, the institution must sufficiently succeed for all reasonable anticipation. What constitution of government, from the freest to the most oppressive, or what institution, even the best endowed, fulfils what in spirit it guarantees? How happens it, too, that the practical operation of all diplomacy is now so remarkably successful, so entirely unobjectionable? There would seem to be no more reason to doubt the success and efficiency, the advantage and practicability of this Congress, than there is for entertaining the same doubt respecting the diplomatic missions of the present moment. Moreover, it may be fairly anticipated, that the Congress, after its establishment, will grow more perfect, efficient and popular. Mankind will not readily demolish or weaken the beautiful temple of peace, when once reared by national wisdom and philanthropy. An *extreme* case, indeed, will have occurred, when a nation should defy the spirit of justice within, or resist the combined power of the other nations. The people would as soon pull down the Corinthian pillars of learning, because

unable to buy knowledge, or immolate the children of faith, because unwilling to subscribe to some novel creed, as overthrow or destroy such a sanctuary, because faction, tyranny or intrigue could not corrupt it. Unless the fountain be impure itself, the streams must invigorate the whole political body, carrying over the earth friendship, tranquillity, confidence and prosperity.

An analysis of the jurisdiction of the Congress would be more or less a work of supposition, unnecessary and unsatisfactory. Its action or interposition will be confined to the single object of superseding war as a means of securing rights or redressing wrongs between nations. From its jurisdiction, of course, domestic disputes will be excluded; and it is worth while to notice here, that in *these*, party spirit and popular faction are chiefly found. Its jurisdiction ought, from policy, from the character of the institution, and in order to be more successful, to be purely and strictly *international.* Nor is this indefinite. Such an international agency is now partially carried on by diplomatists, by referring to whose labors it may be somewhat minutely ascertained for its details. The Congress should have no part in the establishment or the change of forms of government. Merely as a suggestion, it may be well to remark, that even the present system of diplomatic intercourse and plenipotentiary negotiation may be retained, notwithstanding this Congress might be effectual enough without them; for certainly it would neither supersede nor interfere with them.

Part of that system, for instance consulships, would seem indispensable under the Congress; but the whole might be much improved after the institution was founded.

In general terms, it can with safety be said, that no power will be entrusted to the Congress which nations now hold, excepting only an exclusive authority over international differences, so as to prevent the attempt to adjust them by force of arms; and that this power or authority is to be *called into exercise* only when two or more nations, unable to adjust their disputes *themselves*, submit them to the judgment of this court. Clearly, then, nations will lose none of their powers by the Congress; for the first proposition assumes, what will never be true, namely, that any government whatever has power over international disputes, except by force of arms. The second proposition also assumes something, that the Congress *will be resorted to* for a decision of what the *parties cannot decide;* which, indeed, admits of very little doubt. For, by erecting and maintaining such a court of amity and justice, the nations and the parties have in solemn form pledged themselves not to be their own avengers (and self-tormenters) by the desolations of war. The Congress, perhaps, might legitimately *recommend*, when it was not authorized to *act*, or when it was not applied to. That one nation ought not to interfere with the internal transactions of another, was long ago considered an absurd maxim.* The considerate policy of states seems to

* Goodwin's Political Justice, Vol. II, ch. xvi.

have been to lay by tacitly, inactively, as it were, while an oppressed country or dependency thereof was struggling for its just rights, up to a certain period, when, as if from national obligation, rather than solicitation, or legal authority, they would help the injured party out of the vortex of misrule. Every man's sense of national justice must lead him to lament that necessary precautionary policy, however, compelling Europe so long to be inactive spectators of a Don Miguel's abuse of power. Much commiseration, too, honorable to American citizens, began to be extended to the Greeks and the Poles, after the severest and most protracted sufferings had been endured. But after all, and especially at first, it would be most expedient to exclude this power of interference with insurrections and revolutions from this Congress. Let it pass them by, as it would the more local volcano; and though it would seem a necessary, as well as just interposition, on its part, to act for a small state, reduced to extremities by the grossest oppression, yet, if found necessary and just, this power can be seasonably entrusted to it whenever the case presents itself. The extension of its power, in any given case, will be a matter of consent by the parties, and, therefore, in reference to its jurisdiction, it is necessary only to consider the Congress in a general point of view.

There is, however, one evil, at least, referring itself to the Congress for a remedy, without any specific national consent, nations having no *exclusive* power over it, though they have manifested the strongest

desire to suppress it. We refer to private war or piracy. From earliest time,* pirates have been regarded as "enemies of the human race," and "every where punished with death, for a crime against the universal laws of society." By the remarkable and desirable concentration of national power presented by this Congress, this evil can be most successfully prevented. By such a combined effort to exterminate piracy, it will be less likely to find any national friend or refuge. No one nation, hitherto, has been able to free its commerce from this enemy, and wars between nations have greatly encouraged its operations.

Thus generally, then, may we discern the jurisdiction of the Congress. Between no other limits can it be comprehended than its object and national concession. As all must perceive, it will much depend on the events of time and the disposition of governments. But, perhaps, the uncertainty of its range is a fortunate circumstance in the preliminary consideration of the whole subject; since, thereby, the intrinsic merits of this question are less liable to be embarrassed. To define the jurisdiction by metes and bounds would be premature, if not immaterial and impossible; and various other topics will be purposely omitted, as public opinion need only to be directed and fortified on those main points,—the practicability and the expediency of the Congress itself. They will not be gratified, therefore, who may desire to

* Azuni, Vol. II, p. 361, and note.

know how many delegates the respective nations will send to the congressional convention; how those delegates are to be selected; what sessions, place of assembly, what expense, are proposed. Such inquiries are more curious than reasonable. Matters of this description must be left to the nations, to be arranged through their foreign ministry. Their discussion here would throw no light on the cause of peace. Mere appendages to that cause, as they are, they may be disregarded, and the shadows of this sublime institution may well pass unobserved, while its great outlines remain unsketched.

The political law, as every reflecting reader may discover, contains the best and the worst principles in the most uncongenial admixture throughout. A few of its most obvious inconsistencies with itself and the most common notions of justice may be advantageously stated. For it is by means of this Congress that the reproach of such a system of law can be removed from enlightened nations, and an uniform, harmonious, just code of legal principles supplied. Therefore, in examining this subject, the old grounds must manifestly be abandoned on which the law of nations is reared, as they furnish no light to a question opposed like this to all former theory. The laws of peace necessarily abrogate those of war; we might naturally, then, expect their union in a code would make that code a system of confusion and inconsistency. If the legality of war results from *usage*, we can fairly suppose the custom sustainable only on a false and perverted view of political justice. This Congress is

predicated on the supposition, that rights and claims are national only by being human or individual. The enjoyment of national good, as well as the endurance of civil injury or wrong, is personal. The industry, wealth, education, &c., of countries are by a *fiction* termed national, while, in truth and reality, they are popular blessings, protected by the laws of peace, but prostrated by those of war. He who murders a single fellow-being is punished with death; but war makes it glorious, brave and patriotic to murder as many as possible. The very name of justice, as has before been remarked, is thus reproached,—guilt in the single instance being illegal, in the gross, legal. Now how infinitely more *society* suffers by an indiscriminate, wholesale slaughter, *in all its relations*, than it does or can by the single act of an assassin, may be easily imagined. The moral sense of man shudders at such *political* innocence! Civilians tell us, over and over again, that the "principles of justice are eternally and universally the same." How happens it that they are so contradictory? The law of nations is repeatedly represented as immutable, and its principles are said to be independent of circumstances; and in the same volume* of political law we read of its varying with the change of circumstances,—"the policy of the moment" modifying it, and "in modern times its regulations incline towards general equity." It seems that it is not allowable to *starve* or blockade a whole nation.† But why is it not equally unjust to

* Azuni, Vol. II, pp. 64 and 145. † Ibid., p. 98.

starve or blockade it piecemeal? Again; neutrals have a natural *right* to trade in all sorts of goods; and yet belligerents have the *inconsistent right* to limit this trade; a right unlimited, which in war is a source of complaint and controversy.* If nations agree that the flag shall protect cargoes, the commerce of neutral and pacific nations would be free from much embarrassment; but while *war* causes the interests of belligerent Europe to be adverse, there is *little hope* of its becoming a *permanent rule* in the international code.† Such is the confusion of principles, in a body of law which ought to be preeminently clear, fixed and consistent. If this confusion, repugnancy and uncertainty are consequences of the existence of war, or of its legality, then we are furnished with another argument in favor of the Congress, and by its establishment may expect that order will spring out of such a political chaos. If war is necessary to vindicate national honor, then national honor is not worth the vindication; or rather, it *is* worthy of a defence, and it can be in no way better defended than by integrity, philanthropy and justice. Nay more; it can be *elevated* by these attributes shining conspicuously in this Congress. It ought not hereafter to be said of those governments which are proud of this honor, that their grandeur and glory, as in times past, have been pretexts for the most pernicious undertakings. The law of nations

* Azuni, Vol. II, p. 78, &c.

† Ibid., p. 144.

may pretend, too, that indemnification is to be obtained without objection, by war. But the history of the world will show the fallacy and folly of the law, even in this. Should it be said, that the "balance of political power" is preserved by wars, it will be found that every *fear* of its preservation has directly or indirectly been induced by them. Besides, this notorious balance of power, of which we shall give some account in another place, is very much of a political novelty, and certainly is of little consequence, compared with the balance of equity and justice to be maintained by this Congress, and which is the only permanent foundation of any power. Indeed, it will be found most likely to be preserved itself by this institution, as a necessary consequence of its foundation.

Declarations of war and treaties of peace may be regarded in the light of usages. But they would have been rarely known, had governments dealt justly in respect to one another, or observed that single rule urged upon them by their law "that the same justice, equity and good-will should exist between them as between individuals." We see little, but hear much, of "the greatest good of the greatest number." For this, governments themselves were instituted. Judging from its comprehensive spirit, as well as its frequent repetition in legal treatises, this principle may be considered not only a favorite one with every jurist, but sacred and essential, primary and practical. Yet, strange to say, the greatest

destruction of men, has been the question in the cabinets of sovereigns.* The principle surely is a more senseless *dictum*, and no emanation from human and divine justice, if war is any application or effect of it. It cannot be that exalted and sacred principle, which it is asserted to be so often and so strenuously, if it allows injustice between nations, or ever appears before men in the panoply of a warrior. With it the system of war cannot harmonize, and no ingenuity will satisfy a rational being that war is in the slightest degree a *blessing* to his race. So repugnant to other systems and to itself, is every legal theory upholding this evil custom.

To various other legal principles and popular sentiments national war is opposed. Comparing this law with itself and with history, how true we find it, that nations can scarcely be said to have a common legal obligation, or, at least, code of obligations; that their juridical theories are no less inconsistent with themselves, than with the *practices* of government. Mankind would be at a loss to conceive how the arguments for peace are refuted by those commonly advanced for war; or by what legerdemain of political sagacity nations have been precipitated from the highest prosperity to the most wide-spread misery. "Justice is the very basis of society, and the sure bond of intercourse among mankind;"—now is war, as history unfolds its character, as indeed every man estimates its unavoidable evils, consistent with this

* Azuni, Vol. II, pp. 7, 8, and notes

fundamental maxim of law and common sense? But Azuni, whom we have closely consulted and often quoted, seems to account for all this confusion. He says,* as long as war is capricious,—and when will it cease to be so?—"nothing will remain certain or stable, every system of public economy will be tottering, governments will have no point of support, and the slightest causes may in a moment overturn kingdoms and annihilate nations." And to prove all this, he adds, that "without the aid of history, mankind would have forgotten the names of the Assyrians, Romans and many other formidable states, once the arbiters of the world."

Civilians would confine war to the limits of *defence.* But it spreads over neighboring countries because they are powerful, or because unexecuted designs are imputed to them. It has been "a school of deceit" and "a foe to human happiness," and at the same time extolled as an "admirable art." Its horrors are vindicated by supposing it would "sooner cease the more intolerable they were made," forgetting that "severity only created severity in return." The people, in this matter of going to war, lose their independence, and are blindly subserving tyranny in one form to destroy it in another. Moreover, is not man a mere machine, when doing that, the utility of which is unperceived and the necessity of which is unfelt? Is not war opposed to *freedom,* when the soldier must take *even his tone of feeling* from his officers, and

* Vol. II, p. 9.

subject himself to camp-discipline,—that "severest of all despotisms?" Thus it is, in a practical view, that society appears to have been made the pet of theorists, caressed but to be abused, and the individuals are lost and overshadowed amidst the very power of sovereignty created by themselves. This Congress will reverse such an order of things, regarding, as it must, in its arbitrations, *the many* rather than *the few*, since all arbitration, from its nature, must proceed by those just and broad rules which individuals recognize, and which do not prejudice the real parties by constructions and fictions.

The law of nations would secure the *rights of property*. Now it was never denied that war always affects those rights *injuriously*, and it will be admitted at once, that if peace is favorable to them they will have another *safeguard* in this Congress. It is true that men have, in some sort, by their device of insurance, guarded against this inconsistency of the law of war with that of property. But can or shall both these laws stand together, and no injustice happen? If property,—and without it mankind would rapidly retrograde into barbarism,—is so much a prey to seizures, detentions, piracy, confiscations, &c., where is the *necessity* or *expediency* of war? Are there not perils enough, irremediable because natural to the ocean, without endangering commercial enterprise by *acts of government* which are both conventional and unnatural! On land, too, what destruction of property, and how precarious are its rights, uninsurable, by means of wars, in violation of that justice which would

have all rights certain and secured to the subject! Conquests are never made, nor battles fought in a harmless any more than in a bloodless manner; and yet one would think this was the common political expectation. Peradventure, soldiers will acquire a more desperate courage, if the watchword given them be "home, country and property." This is more than the supposition, alas! of those who feel no responsibility and train their minds and consciences into an utter disregard of consequences, while they lead the people into war, in the forum or field. It is the abuse of human sympathy,—it is more than *argumentum ad hominem.* Shall, then, the rights of the people be longer at the *tender mercies* of the false war-defending principle of the present international code? When nations have obtained in the Congress a common impartial court of justice, the ocean and the seas may indeed become "safer highways" to those willing to risk their natural perils; and rights of property, as well as every other valuable right, may be better respected. It is enough that war is a curse, but to construct and perpetuate maxims to delude the people, is reproachful to all law and good sense. One would suppose the *sacredness of life*, without that of property, sufficient reason for repealing the laws of war, and a convincing argument for the establishment of this Congress. But the reason and the argument seem irresistible, when every thing dear to man in life,—the very religion he professes, our prospects and enjoyments here,—our hopes, desires, efforts and obligations as Christians and civilized communities, all unite to favor and demand such an institution.

There is another, and perhaps the most mischievous violation of legal principles, requiring some notice, discernable in the continuance of national war. From the time of Grotius to our own age, every civilian and moralist, whose attention has been occupied with the subject of political economy, has agreed that the relation of states to each other is *social;* that the natural bond of government is one of society and peace, establishing as far as may be a parity of right between them,—families, hamlets, towns, nations,—such is the order of social arrangement, such the progress of man, towards nationality, the *law of nature* following him as a guardian spirit at each step, and his happiness always intimating the policy, wisdom and value of friendship. The divine law enjoins this social state on nations, as indispensable to their welfare. History even attributes the extinction of the most powerful and brilliant governments to the dissolution of this important national tie. But we need not search beyond our own bosoms for proofs of this truth of truths. All know it, all feel it, and often act in accordance with it. Is resistance to unconstitutional usurpation any where the cause of the oppressed? Sympathy is awakened in another hemisphere, watching its every motion. Does the Cape De Verds islander faint with hunger? Benevolence, on the wings of the "star-crowned eagle," flies to the relief of a suffering people, whence the prayer of gratitude rises to heaven, and invokes a blessing on the "land of Washington." Needs it an argument, then, to prove how opposed to the *social relations* of states,

war must be? Has it not ever stained the honor of nations, and struck a fearful blow at their prosperity, by interrupting those relations of respect, aid, confidence and justice, which their conventional law with so much stress enjoins upon them? But this Congress is calculated to preserve, unimpaired, such ties; to strengthen the alliance of mankind through their respective governments, an alliance so natural, honorable and useful; and to enforce the injunctions of the social law, while it will form itself the strongest bond of faith, justice and good-will, among the nations. It is much owing to this principle of social relationship, that piracy, once lawful, is now esteemed a "barbarous custom, from which every just and well-governed country ought to refrain." The Congress would soon satisfy nations that the same was true in respect to the custom of war, for the same principle binds them with equal strictness as to every barbarous custom. With the Romans, the law of nature was *jus gentium;** but the whole history of their political existence shows how they disregarded its sacred obligations. The Lacedemonians, too, reckoned peace in the number of public calamities, and, as the most natural consequence, were finally devoured by the fires which themselves had kindled. If war has availed more than every thing else to create and foster national *jealousies* and *antipathies*, how, we would earnestly ask, can it be reconciled with the "*universal*" law of nations which includes, as one of its compo-

* Cicero, De Officiis, lib. 3, ch. v.

nent parts, the law of nature. The latter every man carries in miniature in his own bosom, observing it in his own self-government. By appealing, therefore, to his moral sense, he can discover if the custom of war is obligatory or at any time expedient. Certainly he need take little pains to satisfy himself that by the social are meant pacific relations, requisite among states by their conventional law.

The speedy establishment of this Congress is thus strongly recommended by reason and a sense of justice. Perhaps enough has been said on this point, though we have but glanced at the present confusion and contradiction of the law of nations. Why should an international code of such a character remain, unimproved and almost unimprovable, if war continue to receive its sanction? Its choicest objects and the dearest interests of national care have been too often overlooked in political practice. All civil government is extensively moral, the elements whereof were engraven on the human heart by the Author of nature, and should be in better unison with the plan of creation. But it is a most melancholy fact that the sovereignties of earth have, under the guidance of the law of war, been in constant rebellion against the sovereignty of Heaven! It might, therefore, be successfully demonstrated, that civilized and Christian countries, to say the least, are *morally* bound to maintain that perpetual pacification which this Congress is designed to introduce. The idea of perpetual and universal peace may have been stigmatized as a

political dream.* But, aside from the scriptural assurance of such an event, its approach in the most enlightened portions of the world hastens on, if there be any encouragement to be derived from certain admitted facts. It is, for instance, confessed that some causes of war have ceased to exist; that, on many occasions of dispute, nations have needed and will, therefore, hereafter need some general convention;† that the parties themselves, or some interposing power, have adjusted by pacific decision some of the most violent and important of international controversies;‡ and that it would have been better policy in many other cases not to have resorted to measures of active hostility. Now who, against the strength of all these propositions, will consider war either unavoidable or expedient, or question the feasibility of this international convention, though now for the first time distinctly proposed? In the fitness of things, what more reasonable or practicable measure could be proposed or adopted? Surely "the enmity of mortals cannot be eternal, when it causes torrents of blood to flow, and reduces nations to despair." Well might Sweden insist that governments have a right to preserve peace,§ and beyond this well might it have been proclaimed their *duty*, and for the same all-sufficient reason, their duty as well as right.

No model is furnished us by history after which

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* Azuni, Vol. II, p. 188.
† Vol. I, p. 204, § 14.
‡ Vol. I, p. 100, § 7.
§ Vol. II, p. 94, § 22.

this Congress may be copied, although, as we have seen already, and will presently appear, certain facts and principles may be found, out of which, like materials scattered around the site of an edifice, the most beautiful and durable structure may be quickly raised. The preliminaries of the institution, by which are meant its external arrangement, being once agreed, it will not wait long either for a solid foundation or an earnest national effort, to carry forward the work, whose corner-stone is JUSTICE. Indeed, it is but another auspicious circumstance, that it has no model, since an argument would in such case have arisen, that the plan of this Congress could not succeed because its prototype had utterly failed. Other institutions, to which we shall advert presently, partaking of a mixed judicial and political character, may have exercised a larger but not sublimer or more useful authority, nor yet one less objectionable. Suppose its specific duty and design, if not its personal reputation, be anomalous, the all-important and the only important inquiry is, whether it is, on the part of governments universally, a safe, practicable and needful measure. To extricate themselves from the vortex of war by a restoration of peace, and to perseveringly maintain their pacific relations, even as a matter of right, are now incident to, and optional with, every sovereignty; of course no new, dangerous or difficult power is to be created, no just power destroyed by the Congress. National sovereignty will remain entire with as without it, if it be not the *degree of physical force* which constitutes national sovereignty,

and certainly no man was ever bold enough, we will not say silly enough, to stake his reputation on such a definition. The most that can be made or said against the power as such to be vested in the Congress is, that it is the same power transferred to many arbitrators or negotiators, as a court, which is now transferred by nations to a single arbitrator or negotiator, the successful execution whereof is now, partly, perhaps, on this very account, so much despaired of, that governments prefer to resort to war. The complaint will be, then, of the *transfer*—not the power itself—but the transfer of it,—as though the nations did not consent to that,—as if it were a *loss* of sovereignty* to part with an odious custom,—as if every sovereignty did not incur equal loss, if it be a loss to give up the right to make or carry on a war. Even the political tyro knows that sovereignty is not only an arbitrary but a comparative, relative, changeable thing. The inherent and all other national rights are defined, and may be transferred or abandoned, precisely as they were acquired, by necessity, custom, convention, treaty or otherwise. Again, sovereignty is power independent of superiority. This is the common idea of it, though not quite true in fact. It remains complete when it loses only what is incompatible with its security, which is the case before us. During war there is manifestly this insecurity, and it cannot then, by any means, be independent of its opposing sovereignty, because the collision of warfare

* Burlamaqui, p. 263.

into which two nations are hurried, constitutes the *most desperate struggle for superiority* that can be imagined. Never was it supposed, moreover, that international *compacts* impaired national supremacy; so far from it, they form the best evidence of supreme political power. This Congress is such a compact. The power of continuing universal peace cannot now be exercised for want of concert among governments, the very thing which this measure is intended to supply; and if such power be delegated, that delegation is an evidence and an act of sovereignty. For many purposes incidental to a just administration of international affairs (without the existence of the Congress), this governmental concert would be desirable. While war remains a custom, sanctioned by law, a greater uniformity of the principles which regulate it will be vainly sought for without such concert, and were these universally the same, wars would be very rare. But were the principles of international peace universally adopted, the unjust custom would entirely cease, and its theory be soon wholly exploded. It is remarkable, also, that nations never delegate powers, unless they cannot satisfactorily or conveniently exercise them themselves, which is precisely the case with the power in question. It admits of no reasonable doubt that this Congress will be enabled to do what the nations, separately, could not accomplish; that the permanency of international peace is an object to the attainment whereof the concert of states is essentially necessary; and that this concert is impossible to be otherwise expected

than from the establishment of some common court or Congress more efficient than is now known to diplomacy. True, this concert is but another name for confederation; but how limited and how safe will be the confederation! The result of the whole measure seems no more nor less than this,—that a declaration of war will be a violation of the law of nations. This is all the proposition amounts to which is now submitted to men and nations. Shall it be adopted by their voluntary compact? Will the nations so far confederate, as to create an agency or Congress adequate to the settlement of their disputes with one another so as to prevent war, an agency, or rather a prerogative, which no nation possesses. They are called on to disclaim the power to levy war,—the Congress is to carry into effect such disclaimer by its functions as an arbiter of their disputes. The abolition of war is properly the *consequence* of such a congressional confederation, and can there be a more glorious consequence of human policy? Should the right to continue an evil custom be claimed by governments, it surely cannot be as one of the characteristics of sovereignty. But they will hardly set up any such claim, much less for any such reason. The sooner, therefore, it is distinctly disowned, if ever asserted, the earlier they must become truly sovereign and just, it being their indispensable duty and sacred trust, in the exercise of their high prerogatives, to act for the good of the state.*

* Marten's Law of Nations, p. 23 et notis, and pp. 47, 81.

It is said,* "nothing short of the violation of a perfect right justifies war, nor even this, until pacific measures have been in vain resorted to." This doctrine is asserted by all the writers on the law of nations, but adorns the legal rather than the historical page. The practice of governments has not agreed with it. Many tedious and destructive wars have happened, without there being any previous "just cause of complaint," without the "denial of reasonable satisfaction," and without any other reason considered by the law a justification. "The right of making war belongs to nations only as the *last remedy* against injustice."† And again, if "men were always rational, they would terminate contests by the arms of reason only," and "the right of using force belongs to nations no farther than is necessary to their defence and the support of their rights."‡ But there have been wars without any definite knowledge of the cause of the hostility. The peace-treaty of Utrecht determined what were the *insufficient* grounds of war. The "flag of truce" has often been hoisted, to permit negotiators to settle in the heat of battle the points at issue, or offer terms of satisfaction or reconciliation. Nations, negotiating always by deputation, can at their option thus adjust their disputes with no limitation of cases, and when they shall permanently adjudge reason and justice to be the best means of securing their rights, and force the worst expedient

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* Marten's Law of Nations, p. 273, and Azuni, Vol. II, pp. 178, 179.

† Vattel, book 3, ch. iv, § 51. ‡ Ibid., book 3, ch. iii, §§ 25, 26.

to that end, this Congress will be the *executive organ* of that adjudication, entrusted with a secondary, dependent, but never a paramount power. Sovereignty itself originates with the people, and is therefore but power entrusted. What is it to the people, as much sovereign with as without such a Congress, to what distance they trust the power of preserving peace and dispensing justice between their governments, if only these results can but follow, and if they now find the power so wretchedly exercised? If as averse to war as tenacious of rights, they will feel as strong a necessity for peace as for the security of their rights, and will realize how these both depend upon one another. The great question is, where shall the responsible trust be deposited, to be most effectually executed? As colonies, invested with governmental powers, do not by such investiture detract from the power of mother-countries,—as all grants from the crown, on conditions expressed or implied, are revocable,—so this Congress will be dependent on its national founders, consistent with every sovereign prerogative, and will exhibit, as arbitration now does, what is within the authority and attainment of governments. It results from all national compacts, it is implied in all political acts, that the state is *bound* to exercise good faith, and never to presume the impossibility or impracticability of what is most beneficial for the people.

It will hardly be urged as an objection to this Congress, that as the highest court of appeal it might render inferior any other supreme tribunal. Perhaps,

in a diplomatic character, its being necessarily a court of appeals may be deemed its crowning excellence, and a guaranty of its greater security and success. Strictly, however, the appeal could come from no other court, for the nations, though in some sort the parties appellant, can in no sense be called courts of arbitration. No further remark, therefore, need be made on this point, except that it is unfortunate, while individuals find every encouragement to seek justice from their own country in the sanctuaries of reason, nations should appeal to force for the same precious right, and what is still worse, fail of obtaining it upon such a hazardous and fruitless appeal. "Human wisdom has established tribunals to settle the controversies of individuals, but none have as yet been established with authority to adjust the disputes of nations; their injuries and insults must, therefore, remain unrequited, or be avenged with blows."*

It has been remarked that the institution proposed has no pattern among political associations. The Admiralty resembles it in a single particular, that being, according to Lord Mansfield,† a *court common to all nations*, wherein every nation is answerable for marine injuries. Here, then, it will be observed, we discover an *universality* of *jurisdiction*—a virtually *delegated* and an *appellate* jurisdiction. Though a "venerable" tribunal, which has ever grown more

* Gov. Davis's Address to the Massachusetts Legislature, Jan. 21, 1834.

† Douglas's Reports, p. 616, note, and Azuni, Vol. I, p. 400, note.

brilliant, it has been the source of injustice,* so far as wars give it most of its action, being bound by the *laws of war*, which are a foe to the commercial interests of nations. Similar remark might be made respecting the ancient Grecian Amphictyonic Council, to which this Congress bears a faint resemblance also. That was an institution common to several states, but, like the Admiralty, its antiquity does not conceal its warlike features. Under the existing system of legalized war, the Council would better succeed than any international court of amity, and by means of the latter the Admiralty, necessary for other purposes, would be shorn only of its inauspicious power.

Both of these tribunals may be termed effective, and the same result may be doubted respecting this Congress. But if we are created social beings in all our relations, and capable of political as well as moral improvement, cannot one institution be as efficient to make us just, peaceful, and secure in our prosperity, as another has been to encourage contention and make the boasted *comity of nations*, which would balance the scales of justice over the civilized world, a mere by-word and temporizing policy. If the moral and political progress of man be a truth, along which stand up, in strength and beauty, a thousand monuments of reform, the tyranny of custom, that mightiest of modern oppressions, must eventually be destroyed. The enmity of nations has too often reduced them to despair, and caused too much blood

* Azuni, Vol. II, pp. 22, 23.

to flow. This will change their policy. The battle-slain are beginning to be regarded as martyrs to a political delusion. Modern virtue, having learned the salutary lesson that war is the height of national desperation, would disdain to exemplify such martyrdom, considering, as it does,

> "The glory of one fair and virtuous action
> Worth all the escutcheons on our tomb,
> Or silken banners o'er us."

The military age and the profession of arms are much more circumscribed than formerly. In that momentous contest, now agitating the nations and spreading from man to man, between the surviving grievances of despotic times and the spirit of reform, every movement of the friends of order, liberty and justice is auspicious to the reign of universal and perpetual peace.

We are not disposed to enter the list or break a lance with the civilian, who stoically doubts much and denies more when overmastered by his fears. On the one hand, it is every where said, that society is incapable of acting for itself in the mass, and *must*, therefore, delegate all power to a limited number of rulers; while, on the other, all political assemblies are decried as the most objectionable of all expedients to administer public affairs. This is another specimen of the inconsistency of the law of nations in its principles. But, setting aside the incongruity of these two positions, and forbearing to avail ourselves of the universality of the former of them as an argument for

this Congress, how, it may be inquired, are mankind to be governed at all, if they neither can act for themselves nor be well governed by those to whom they are obliged to entrust their common political interests? None will believe the world would "advance in the voyage of happiness," if left "at large on the stream" of government, nor that "assemblies instituted for the purpose of adjusting differences between district and district should be as rare as possible," as if they were fearfully impracticable.*

The *character* of the proposed court of nations is a subject of grateful anticipation. It is a reasonable and fair rule to judge of the character of any assembly by the description of its duties. To examine, discuss, adjust or determine international claims, grievances and differences, subjects always delicate and complicated, will constitute the peculiar and responsible office of this institution. The performance of such duties requires the highest confidence and authority to ensure satisfaction. Its decisions will go to form the universal law of nations. Its faithfulness to its trust as a common arbiter will be steadily and anxiously watched. It necessarily, therefore, must be distinguished for its individual and collective wisdom and integrity; otherwise nations would hazard their honor and the people fail of obtaining justice by their appeal to it. Not that it should consist of crowned heads, in which case its ability would depend upon chance; but of those

* Godwin's Political Justice, ch. xxiii.

master-spirits whose influence and character in the political world are the pride and support of their respective governments. Monarchs, moreover, are never permitted to leave their thrones, to dispense justice abroad. But were sovereigns to be associated with men inferior only in title, the lustre of royalty could no where be magnified more than amidst such a congregation of illustrious and magnanimous men as should compose this Congress. It is, indeed, in council that royalty, in a better sense than outward pomp, dazzles the subject, and when there present by deputation, according to modern diplomacy, its dignity seems not the less fully represented. How worthy of human confidence a convention presenting those imperishable names which elevate humanity itself, of which all are proud, the ornaments of kingdoms, empires and republics,—the Solons, Ciceros, Justinians of olden time,—the Mansfields, Washingtons, Wilberforces of modern eras. They seem to belong to every age. They are the disciples of the great and good who preceded and the patterns of those who follow them in the cause of human improvement; and in this Congress a succession of wisdom and philanthropy like this would be the admiration of the world, a spectacle of moral power truly magnificent, gathered to preserve the rights and relations of nations and settle the law of their reciprocal justice and mutual action! And it is quite time this law was settled, uniform and known. No two civilians agree to any great extent. Positions are assumed with which *justice* cannot be reconciled.

Of all jurisprudence, that which is international is the most fluctuating and inconsistent. At present no nations can have much if any interest in negotiations, except the parties adopting that mode of adjusting their disputes. If it be important and useful that *every* government should be interested and share in transactions affecting and indeed establishing international law, this Congress will peculiarly serve so desirable an object. If it has ever been the chief *desideratum* and *aim* of the law to be universal, this happy effect must proceed, to be ever realized at all, from some more decided and expressive action than the variable policy of disunited governments can produce; in short, from some such Congress as is now under consideration. Its decisions and decrees, spread before the world, would not be made in vain, but become precedents in the code of justice, fraught with the strongest sanctions of equity.

In "Marten's Law of Nations," translated by Cobbett, will be found a list of diplomatic negotiations, covering a period of fifty years. In glancing over that or any similar summary, some idea may be obtained of the duties and powers of this Congress. For without doubt precedents for its observance would be made of what had been justly done by pacific international agencies of every description. The Congress would not commence its functions without chart or compass. It would seem, if any permanent good had resulted from war, it certainly was only to be found in those treaties of peace which cost the nations so much blood and treasure, the

calamitous custom thus conducing at last, in an unforeseen incident, to its own ultimate prevention. This is a ground of no small congratulation to the human race. But should at any time former pacific conventions, as far as conformable to the object of this institution, or precedents which it shall itself establish with national approbation, or, generally, should the just principles of all good government be disregarded and violated by the Congress, this might be all provided against in its original constitution, by the periodical appointment of its members or non-ratification of its acts by the appointing powers. Its *character*, however, will not lead any to presume such an event or such wanton faithlessness. Nothing but the most desperate intrigue could move its members to acts of corruption and injustice, and even that base inducement would, after the most transient triumph, gain nothing. Yet, after all, in the event of entire failure on the part of the Congress,—an event almost impossible, be it through its own maladministration or for any other reason,—the nations will surely be in no worse situation than they now are. They can but return to their present futile and miserable expedient of war, and devote themselves with increased vigor, if they will, to the *lawful and just work of human destruction!* Seeing no reason, therefore, to despair, but the amplest encouragement to anticipate the success of the institution when once established by the nations, we may hail with no ordinary enthusiasm their EMANCIPATION FROM WAR, and expect that new *magna charta* of international law, whose illimit-

able effect shall be the peace of the world foretold by its Messiah!

The *qualifications* of membership in the proposed Congress readily suggest themselves to every mind. Perhaps no body of men have ever been more distinguished and on that account efficient, than ministers plenipotentiary, who always represent national character. Of such men the Congress may safely be composed,—men whose statesmanship is directed by the unerring lights of justice and the Constitution, whose erudition and philanthropy are devoted to the improvement of society and the promotion of rational liberty, esteeming all men brethren and all nations as one great political and social family. For the station of an international negotiator, statesmanship and philanthropy of such a liberal description are indispensably requisite, demanding as it does the most comprehensive mind and incorruptible heart; in short, those only to perform its services whom nature destined for noblest purposes by furnishing them superior moral and intellectual power, and whom opportunity has instructed in all the complex science of human government from the municipal to the international. The best mental capacity has always been assigned the post of ministering for national peace. Like a resplendent sun, then, may this Congress be viewed, around which the nations will be attracted to move in harmony. To an eminence, thus figuratively and briefly pointed out, it seems essential that this institution should be elevated, if its permanency and efficiency are desired. Its foundation should mani-

festly be broad, deep, strong and liberal, in the respect and affection of mankind, or it would not long continue to be the ark of national confidence and safety. Nothing in all political history has accomplished more for human happiness and national prosperity, than the modern pacific policy of governments. It is a policy free from narrow prejudices, adapting itself to popular exigences, able to stand in the severest crises, winnowing from public opinion whatever may nourish the body politic or augment the general good. It is a policy which regards justice as the only proper guide or object of civil power, and looks with a parental favor on the free institutions and benevolent enterprises of the age. Such and coextensive should be the invariable policy of the Congress, pursued for the all-sufficient reason that it is preferable to any other. Indeed, any other would impair its true character, and frustrate its grand design. Such a policy deserves all confidence, as springing from a spirit of reciprocal good-will, so necessary and beneficial between the Congress and the nations — the negotiators and the parties in interest. It consists precisely with the neutral, impartial character of an umpire. The Congress, whenever or wherever convened, will at any rate be at an *inaudible distance* from the spirit of party, which is always local or limited, if not transient. The most glorious object will there present itself that can engage any deliberative convention, to excite the eloquence, benevolence and patriotism of its members. The obligations to be discharged by them will be as extensive as can possi-

bly be conceived, embracing, indeed, the human race. Their responsibility will also be common and equal. In the double capacity of philanthropists and national legislators, they will have a common interest, each member being always mindful that the principle and precedent he would establish will be of *universal application*, and, therefore, that what he does for the rights of other nations, however remote, is something done for his own constituent country.

It may be said, that nations, like individuals, are jealous of superiority, and indignant at rebuke. The French never could brook England's claim to be mistress of the ocean and seas, and England has watched the title of royalty with the same acrimonious spirit. But bold pretensions and fearful threatenings are often mere fashionable political expedients. Should the Congress give such a decision of a conflicting international claim submitted to its adjustment, as will curb the pride, excite the jealousy or indignation, impair the strength, or even define the rights of any nation, the institution may nevertheless stand. The severity of a decision would not prove its error, but would evince, rather, the firmness, the integrity, the impartiality, and, so far as these go, the justness of that decision. Many decisions of such a court may be conceived of, not only humbling to one nation, but highly advantageous to another and perhaps the feeblest power in the scale of sovereignties. But by voluntarily submitting to its arbitration, the humiliation on the one hand and the advantage on the other will be to the respective governments the

inevitable consequences of their own acts. Besides, the very same consequences, since there can be but one victorious belligerent party, now result from a submission to force of arms, instead of arbitration. The act of submission to this Congress renders it improbable that the decisions will be nugatory, because made in reference to the justice and merits of the cases, rather than the pride or pretensions of any nation.

It has been already hinted that the Congress should be a *representative* convention, and it will hardly be objected that it cannot adequately represent *nations*, and, therefore, must fail to adjust disputes, the parties being so powerful. The representative system strengthens more than any thing else the American Union. It is involved in every negotiation that now occurs between governments. Its superiority over other modes of constituting assemblies consists in the selection of the best men to act for their constituents, and it always collects that integrity and mature wisdom which cannot be expected from any other system. It is an element of political society peculiarly favorable to peace. The object of the proposed Congress, however, is not to be *accomplished by numbers.* Any idea that the nation having the largest representation would possess an undue influence in this convention, or be safest from oppression, seems to be a mere suggestion of fear. An unequal representation could only be deemed necessary on the ground of unequal national rank, which is always a fluctuating, pretended, uncertain and conventional thing. But no national

discrimination can be necessary or useful in reference to this institution, and, indeed, might lead to great mischief. It would, perhaps, be too much of a reflection on the honor itself of nations to fix by their rank their several representations, before they could be supposed satisfied that their rights were safe. Besides, if numbers are to affect at all this institution, why do we not now see the number of diplomatic agents proportioned to national rank? An equal representation seems to be recommended by the fact that every member of the Congress will have the same object, duty and responsibility; and it is further necessary, in order to preclude the evil effects of that very inequality which may be urged as the ground for a proportional representation. There would be no feature in the institution more popular than that each delegate must act with the same object in view and be under the same responsibility as if he were a solitary diplomatic minister. Certainly, if the representation were equal, it would be safe, which is more than can be said of that which should be unequal. Some may desire it to be *indiscriminate*, on the ground that the institution will belong to no particular country or government, but will be one in which all men have an interest. But that philanthropist must be overmastered by his enthusiasm, who supposes the representation to such a convention as is here advocated ought not to be confined to national bounds, and this for reasons the most obvious. If it be equally or otherwise *divided* among the nations, the Congress will unquestionably be composed of the greatest and best men. Indeed,

if indiscriminate, it could scarcely with any propriety be termed any representation at all.

It may be taken for granted, then, that whatever be the basis, ultimately, of this representation, there will be no spirit of national *rivalship* to mar the sublimity of the institution or destroy its usefulness. Party feeling and intrigue, incident to other popular assemblies, are obviously unfavorable to international harmony, and if actuated by that cabalistic disposition which these excite, the Congress would dissolve its disorganizing self. But its members are to assemble in no other character than as the *friends* of *peace*, not as contentious politicians who may form the basest coalitions, but cherishing a spirit of mutual justice and concession, and convoked only to act as a court of justice and equity which is least apt to catch the zeal of the partisan, or rush into violent measures. The French, the English and the American ambassador, sitting side by side, will have a common object, desire and duty. Whether the Congress be viewed as an international judiciary, or a diplomatic legislature, there can be no danger from its power; when we feel the absolute necessity and propriety of that power; nor can it be an inexpedient tribunal, if we find so much to admire and desire in it. On the various questions submitted to its cognizance, questions peculiarly referable to the deliberate judgment of the great and good of all nations rather than to force of arms, doubtless an entire unanimity of opinion will be as rare as in other conventions. But if it would reap the concurrence of governments in its decrees, the

field of arbitration must not be sown with partiality or corruption. To do *evil* may not be in its power, but *to be of any benefit*, it will not overstep its jurisdiction, or run wild with a discretionary power.

In view of the character, then, of this Congress, it is readily seen to be a *popular* institution. Not that the mass of the people are to shape its course, or regulate its movements. If it were not removed from the uncertain and conflicting influences of popular clamor and excitement, the very things it should constantly guard against, it would soon lose its self-respect and an independence essential to it. Were its members to act a part *exclusively national*, devoting themselves, indissolubly, to separate interests, avoiding all concert as arbitrators, the noble design of the institution could in no way be more successfully frustrated, its usefulness would at once come to an end, and its energies be all misapplied; for it would effect only disunion, distrust and discontent among its members and the nations, and there would be as many powerless cabals in its very midst as there were nations represented. Empowered in the cause of humanity, amenable to the respective governments for the manner in which its trust is executed, it will, to be of any use, or to exist at all, form one illustrious tribunal united to prevent war—united to administer justice—united to establish what may, indeed, be called the universal law of nations. Let it adhere to the single object of preserving international peace and adjusting international disputes without the aid of war, and it will,

there can be no question, be popular enough to secure the favor of men and the support of empires. If the "most formidable enemy of the public good be despotism," war is that enemy; and it is the most absurd of all theoretical pretensions to eulogize the evil as a restraint upon despotism, when it is the most powerful instrument, in fact, of misery wielded by the iron hand of despotism. But let this Congress act tyrannically, what an example would it set of misrule! How soon would it be discredited as an irremedial institution, defeating its design and losing the popular confidence! Division and strife would arise in the very temple of international union, peace and justice.

It is still *questio vexata*, among politicians, how far in any case representatives are bound by the will of their constituents. Such an inquiry in reference to this Congress would be foreign to the merits of our subject, and of little practical use. Perhaps the national or the popular will, or both, ought not to govern further than as a channel of information. Implicit obedience to these instructions, which are always to be taken with much allowance, would result in continual disagreement, while their total disregard might be equally fatal and injurious. If foreign ministers cannot now act out of their instructions, which are generally very liberal, or if they should depart from them entirely, what international dispute could ever be adjusted? Moreover, it might be forbidden the representatives of the nations directly interested in a decision to *vote*. But the influence of popular sentiment upon the Congress would be to some extent

practicable, and cannot, we believe, be a reasonable ground of fear, since international negotiation has always been conducted on a broad discretion vested in the diplomatic agent with safety, and more or less subservient to the public will. Certainly no question will be so prematurely settled by the Congress as to exclude the due and safe influence of the people, nor need it be imagined, on the contrary, that the people rather than the court will either decide or prevent a decision in any case.

As a popular feature of this institution, the requisition, either of a two-third or a majority vote, should be insisted upon in its preliminary arrangement. At least, nothing short of a majority vote would probably give satisfaction, or be the means of a final pacific adjustment of any dispute. No friend of rational liberty or philanthropist too highly values the majority above the plurality principle. It was the first element of freedom which our pilgrim ancestors consecrated in this new world. It should be the very last to be undervalued. To an American, it is the very keystone of all free institutions. This Congress should be a popular institution, not so much from the *mode of electing* its members which may be adopted by the respective nations, as from the principles on which its decrees shall be based. As *representatives of nations*, and *through* them of the people, their election may be considered sufficiently popular. Involved in their private business, the people, indeed, would be the poorest judges of diplomatic talents, and while they have confidence in the Congress, considering it an

institution essential to their happiness and affecting their national character for justice, they will willingly depute the power of appointment to those constitutional bodies which are so much better qualified to appoint. They surely can risk nothing, for they are ever too watchful of their interests, and will, having approved the object and powers of the Congress, be ready to defend or cause to be removed those who exercise those powers, the powers themselves being circumscribed and revocable. Their respective governments, then, without objection, may appoint the members, and still the practical effect of their decisions in Congress assembled be popular by the adoption of certain *rules of procedure*, or a CONSTITUTION, which shall be a check upon national intrigue.

It is not be feared that, if based upon a foundation popular as far as practicable, the Congress will possess or acquire an authority paramount to sovereign power, overshadowing majesty itself, or too large for national safety. It *must* respect the supremacy of those governments by whom its own agency is called for and defined, and by whose independent consent it was created. It will not have sprung into existence like governments. Unlike them, it will be subject to that overruling power which now rejects, confirms, recommits or concludes any act or subject matter of diplomacy. With any hope of success, then, how can it do violence to national or popular confidence? What possible advantage would it gain, nay, what self-annihilation would it not effect, by exceeding or corruptly administering the powers granted to it, or,

so to speak, by transcending the object of its mission collusively or otherwise? Perhaps, indeed, as a necessary consequence of its establishment, and certainly it can be provided by previous compact, or form a part of its constitution, that there should be as many checks on its abuse of power as there were nations parties to the congressional compact.

It has been said that war was not justifiable as the means of preserving the balance of power among nations. If wars have constantly threatened, unbalanced and destroyed, the powers of European governments, can it be objected, with the slightest appearance of truth, that this Congress will have that effect? Is not this balance insecure under the war-policy? Will it be equally insecure under an international peace-establishment? How these opposite conclusions are arrived at is as inconceivable as it is how this institution will interfere at all with the international balance of power. To preserve such balance will, *eo nomine*, form no part of the congressional jurisdiction, and for the very best reason that this provision were entirely unnecessary, since the continual equilibrium of sovereignties would be the sure result, though indirectly or incidentally, of the pacific adjustment of their disputes. This balance may be fairly anticipated to be a *restraint* upon the Congress and a sort of landmark to direct it. Suppose all nations at peace with one another. How shall this confessedly desirable state of national prosperity be preserved? By strife, or by a friendly association? While the political world is at peace

the nations are enjoying and have acquired a balance of power, if ever. It will not be contended, it never was deliberately believed, that a state of war had any other tendency than to disarrange this balance, if not destroy it, by accumulating power for the most successful belligerent party.

The civilians have much to say of the balance of power. It originated when the house of Austria and the king of France aimed at such a *monopoly* of power as would have established an *universal monarchy*. So much dreaded was this all-grasping object, that ever since the sixteenth century, a balance of power has been assiduously, though with many interruptions, maintained in Europe. Again,—"Europe forms a political system connected, and not as anciently, a confused heap of detached pieces." We are told by one writer, that "the period most favorable to human happiness will, unquestionably, be that of the general pacification of Europe;"* and we read in another book of authority† that, among other things, "perpetual negotiations make Europe a kind of republic, the members of which, though independent, unite, through ties of common interest, for the maintenance of order and liberty," thus preserving a "political equilibrium or balance of power." We see, then, that aspiring ambition is under national "watch and ward," that confederacies (and this Congress is a confederacy) are best adapted to make head against the assumption of power. Learned men differ as to the necessity,

* Azuni, Vol. II, p. 187.

† Vattel, book 3, ch. iii, § 47.

lawfulness and utility of the balance of power in Europe, it having cost so much mischief, often serving to veil court intrigues and to establish still more firmly a continental despotism. But as one nation cannot extend its power, perhaps, without prejudice to some other, the necessary vigilance to prevent and the requisite power to remedy such national encroachments or trespasses, should be embraced by the functions of this Congress.

The event of an "universal monarchy" has been a subject of considerable fear among civilians; and it is said that Christian nations need take but one step to become such. What expedient, so much dreaded, is to effect this result, cannot easily be imagined, and certainly is no where told us; nor do we think that the present state of Christendom authorizes the fear of any coalition or usurpation, any aim of ambition or union of governments for some specific purpose, which is at all likely to bring about such a result. Governments have united even for the purpose of putting an end to some war, but the tendency to their consolidation in this step was not thought of. The umpirage constituted to act for them has never been *so constituted* as to ensure or deserve success; and this is the most material point of all. We say, then, that universal monarchy was never further off than at this moment, and they may alone dread its approach who can see the slightest reason to expect it. At any rate, governments, we doubt not, were never more disposed than now to maintain their independence and individuality, and they are, by the nature of

the case, antagonist powers, wholly unlikely to unite *as one sovereignty.* Certainly the step to be taken by nations to destroy their independence will not consist in the establishment of such a common institution as this Congress. The Congress will be a court of justice for all nations and a national agency. As far as a war-system allows, governments have now such a court, and employ such an agency. Where is the danger, then, of universal monarchy? The Congress, in respect to jurisdiction or power, cannot be made to appear what any potentate or royal house, *ab urbe condita,* has aspired after. Indeed, were any thing opposed to the idea of universal monarchy by sea or land, it would seem to be an institution amenable to the governments, representing them, dependent on them, its members often changed, its power delegated, limited and revocable. The German confederacy for commercial privileges shows the wise policy of governments in uniting to secure a common object.

Admitting it practicable and necessary to establish the proposed Congress, it becomes material to inquire how it will enforce its stipulations. Indeed, this is the very hinge on which its usefulness or efficiency turns. Its stipulations, then, will be of binding force upon the nations, for they will have bound themselves to ratify and enforce them by the act of their national association, an association equal in point of obligation to any alliance or league ever consummated, having always for its objects the prevention of desolating wars and the security of national rights. If any

decision be the result of deception and error, the right of review should be given. These great and noble objects nothing short of *national faith* could possibly accomplish, and this faith, says the historian, Hume, "is pledged to respect the rules of justice prevalent among individuals." It is this faith which gives treaties their effect, and without which they would be nullities. In truth, this faith must form the grand security that the Congress will not act in vain; and not the least happy consequence of the institution will be, that it will make all the nations *allies* which enter into the pacific compact and stand pledged to support it.

The *character* of the Congress with its *object* will very much tend to enforce its stipulations. Were it *self-constituted*, like other conventions which have miserably failed to do any good, this could not be expected. But every intelligent citizen, every orderly subject, will be disposed to cooperate with it, esteeming it, as they cannot fail to do, another safeguard against foreign aggressions and the great fountain-head of national peace and justice. The Christian community will hail it as the harbinger of that peace which is to extend over Christ's earthly kingdom. They who once settled their religious differences by the fagot and the sword, long ago abandoned such a preposterous arbitration, for the gentle and pacific methods of persuasion and conference. The violent and bloody baronial wars of Europe have long since also ceased, and the barons, abolishing the custom of war, preferred the common tribunal of their national

government to adjust their disputes. The delusion is fast vanishing, that *large communities may dispense with those moral obligations which rest on individuals.* The Amphictyonic Council of Greece possessed no authority but that which flowed from its personal character, and "when that political machine became simple, the voice of reason was sure to be heard; an appeal by the assembly to the several districts would not fail to obtain the approbation of all reasonable men, unless it was made in such a questionable shape as rendered it desirable that it should prove abortive." Mankind will value a pacific international court as a common blessing. The "redeeming spirit" that is in the midst of the people, the feeling of pride to applaud the best qualities of the human mind, to respond to every philanthropic effort, and encourage the progress of an elevated patriotism,—these will maintain any political institution calculated to divest men of wild passion and governments of an unjust spirit. Such an institution will manifestly exist in this Congress, commanding for its wisdom and integrity, sublime and immensely useful in point of jurisdiction, and highly popular in its constitution. Even the unlettered are in advance of all others at this moment, in the boldness and perseverance with which they seek for national reform. Think you they will stand in opposition to the brilliant design of this grand establishment of peace and justice? Are the people so fool-hardy throughout Christendom as not to confide in, approve and perpetuate a measure of such vast national aggrandizement and popular happiness?

They will have no reason to suspect it a delusive political project, or a dream of the misguided visionary. Unfortunately, men have had reason to regard the interests of rulers and the ruled as opposed, and, therefore, to suspect the former were often advanced under color of the latter, and at the sacrifice of the public good. If the stipulations of this court of nations were at any time unjust, unnecessary, or the offspring of favoritism or corrupt compromise, war would not be needed to make them void, and if just and necessary, they will prevail against all the unjust opposition of the violent. The institution ought not to be founded, if it cannot be so constituted as to merit the confidence and ensure the greatest good of the human race. It must be upheld by *public opinion*, or it cannot be efficient. This is indispensable to its success. What public opinion is and has been, in reference to this great plan of national reform, is but another form of inquiring what the condition of men is and has been in reference to it; and here we may confidently rest, as on the strongest ground for belief in the ample success of the Congress.

No general connection existed among European nations until the Romans subjected them to their dominion. By the adoption of Romish laws and by the *influence of Christianity*, this connection was strengthened, and during the limitless ascendency of the church, Europe seems to have been but one society of unequal members, one universal monarchy, at least in spiritual matters. But it at length shook off this subjection. The pope's anathema and the

civil power were at fearful defiance of each other. If the earth had been filled with violence, national, ecclesiastic and barbarian,—if the light of the human intellect had been nearly extinguished and the spirit of human enterprise paralyzed,—the long, dark, calamitous period was followed by a reformation which will end only with time itself. Emerging from centuries of misery, ignorance, superstition and despotism, the nations were as unsettled as the sea over which the storm has just passed, and if in any thing it is in this circumstance alone that a justification can be imagined for the useless, frequent, protracted and numerous wars of modern times. We believe, then, the gloomy records of THE PAST remain to guide nations, and to direct mankind to a happier destiny. The spirit of reform will not longer suffer *that* awful farce to be reacted. JUSTICE is to succeed to WAR. Resemblance in manners and religion—learning's escape from monkish cells, and its diffusion abroad—invaluable discoveries in every department of human action—commercial intercourse—international negotiation—blood-ties between monarchs, and the proper influence of the female character on man,—these, together with the warning voices of history and the precepts of Christianity, have wonderfully changed the human condition. These have quickened the steps of that mightiest of armies whose standard is REFORM! These have opened the prospect even of perpetual and universal peace. For they have multiplied and strengthened the *social relations* of governments, making them pacific, instead of jealous and quarrel-

some neighbors. How else can we account for that magnanimous course of policy which has made the continent of Europe so generally recoil from war as from a pestilence, for many years past? How else can we account for that European neutrality which, for its long continuance and present existence, is with some a matter of wonder? What mighty revolutions have occurred within a few years, and yet how has the general anticipation of a continental war been disappointed? Lo! but THREE DAYS will suffice the enthusiastic French to accomplish the glorious political change from despotism to liberty! Thirteen hundred French wars* are indeed regarded but as so many monuments of national desperation. The present prosperity, national strength and prospects of the United States and of other countries may be well ascribed to a long-continued neutrality. The evidence is abundant that governments are spendthrifts when they go to war on popular credit, and it matters not whether the cause of the war be a point of honor or the attainment of some right, provided a right can be secured without physical force. But the same reasons which convince men to live in peace as one another's friends, also prove that governments should be united by pacific ties and political obligations. It is said, "the *sympathy between nations* at the present day is such, that the injury produced by war to the industry of the belligerent parties affects that of all other

* This number lately computed by a French economist, from the origin of the French monarchy.

nations,"—commerce closely connects civilized nations and supplies their reciprocal wants which make them *dependent* on each other. If they are interested in the general dissensions, they must be more anxious to preserve a general pacification.

The glory of a nation consists in its character and reputation. Let justice and moderation reign, and the nation is not less respected by the universe than glorious! These admitted truths prove that public sentiment has changed its tone and would induce governments to change their policy toward each other. The plough left to rust in the furrow by a drum-delighted yeomanry, can such an event honor civil society any more than benefit it? Does not peace strengthen government? The review of the past may well make nations desire to atone in the future for their miserable errors. Their career is *too much* blood-stained thus far to suffer them to rush madly on. The "signs of the times" give the most cheering encouragement to the proposed Congress. Even the Ottoman Porte, which "has ever given an example of moderation to the more civilized nations of Europe,"* though long alienated from them, not long since bound itself by a pacific and commercial treaty with the world, calculated to strengthen the bonds of national friendship. It was a memorable admission, and, therefore, more conclusive than any argument which could be offered, that *unchristian* nations see their

* Azuni, Vol. II, p. 163.

advantage and honor exist in sustaining the most pacific relations towards other governments.

If the age in which we live is remarkable in any respect, it is in the regeneracy of men and nations from the slavish influence of antiquity and custom. In every relation of life, the people are seeking to elevate and improve their condition. The attempt, on the part of government to drive them from their purpose, would be set down as an act of tyranny. So far as they have been led to examine the subject of war, especially in reference to this Congress, they are ready to admit that mind is stronger than the sword —that knowledge is the power of powers—that the world has had enough of warriors—and that reason and virtue have been long enough subordinate to the reckless and revolting passion of martial glory. The question which comes home to every man's bosom with renewed effect as often as it is repeated, is, "What great military name compares with Burke, Wilberforce, Howard or Brougham?" Scarcely an institution of recent origin can be found which admits the rude and arbitrary maxims of ancient systems.

A liberal policy, more in unison with the natural constitution of civil society, enriches and beautifies government, and this has resulted from events and efforts of preceding ages, which, wavelike, have borne to us new political privileges and immunities, introducing a new order of things and opening a new path for the moral energies of man. Truly, if the prospect of the age be a consequence of its retrospect, the blessing of permanent and universal peace may

be transmitted to the *next* generation as the most glorious memento of ourselves. If the measures of government are now examined by the light of expediency and constitutionality, let no one say that this Congress can never be founded, or, if so, can never be efficient. If public opinion, that lever which moves the world,—if the welfare of men, that chief object of all government,—require and favor it, its establishment and success are quite certain. Nor let it be doubted that the *reformers of this age* can accomplish the work when it is remembered "the rise and the fall of nations have been owing to individual effort." The civil law itself, by which governments would regulate their relations, is very much more than is commonly supposed the work of the civilian. Has not, too, piracy become felony, and the slave-trade an "inhuman outrage?" This was not so once. What but reason has wrought out this change of public opinion, and who are endowed with that heaven-born faculty but men? Already and to a wide extent a correspondent feeling exists among men in different parts of the world on the subject of war, and hardly will that enlightened individual be found, true to his country, his own well-being, and to his God, who would not by the united effort of nations prevent for ever the recurrence of that general calamity!

The PEACE "SOCIETY," which has mainly effected a revolution of public opinion on the subject of war, is an institution comparatively recent in origin. It has maintained that life and the rights of men were too sacred to be victims of political injustice, and men have

believed this fundamental truth. It has maintained that war has wholly failed as the means of adjusting international differences, and all who have given a little impartial consideration to this proposition have believed it also. It now offers the political world a substitute for this grossest of customs, in the form of a Congress of nations to act as their common umpire. If its expediency and utility be admitted, if it be a feasible and necessary measure of national policy, its efficiency seems to follow almost as a matter of course. If public opinion favor, as far as it can be collected, the institution of the Congress, it will have the strength of that opinion to support its stipulations. The principles advanced by the American peace societies are taking deep and permanent root in the minds of people and rulers. They are translated into the German, Spanish, Dutch, French and Italian languages. Intelligent and influential men in Great Britain, France and other countries, have established similar societies with the same grand objects in view. Able writers have made deep impressions on the public mind. The French king not long since replied to a deputation of the *Corps Diplomatique* that he would "strive to secure to France and to Europe the consolidation of the great boon of a general peace as the *main groundwork of civilization.*" Had, indeed, every city, town and village as many *active* as they have passive friends of this measure, or was every man faithful to his philanthropy, his patriotism and his religious principles, the temple of international peace and justice would rise as if by enchantment. When

this Congress shall be established,—when men and governments shall in good earnest seek the boon of permanent peace, — then, and not till then, may they expect the safety and realize the full value of their rights and liberties. War cannot now be easily declared, because the people have found that the proceeds of their industry and enterprise, and all the endearing ties of social and civil life, are exposed to its depredation and sacrilege. The great and leading object prevailingly influencing the civilized world is the development of the resources of each country. The war-cry is almost inaudible, for it does not summon the people to their true interests, nor remind them of their true glory. The cry is "Improvement and Reform," all over Christendom, and nothing can be suggested more opposed to these than war. The influence, too, of intriguing political leaders is diminishing, while the people, left to think for themselves, act more for themselves, by their own energies, against which all other power is weakness, becoming political reformers. The world is not yet and (if the attempts of ambition prove it) never will be conquered by arms. That insatiable ambition which could weep that there were no more kingdoms to subdue, was the very height of political or rather military insanity, and no better commentary on the utter folly of war could have been handed down to us. It was in view of his own extravagant and colossal ambition, that Napoleon predicted, amidst the confusion of battles, "that while the name of Washington would be endeared to the latest posterity, his own would be lost in the vortex of revolutions."

But it may still be asked, What will become of this Congress, formed as it will be by and in fact constituting a compact, if from disaffection any nation shall recede therefrom? Making allies of all the parties, it will be a solemn compact not to be broken on slight grounds. But let it be optional with each party to secede if the stipulations of the Congress are unjust. In this event, the institution can accomplish nothing, and least of all any mischief. If the decision of a dispute be unjust only in view of one of the parties, it need not follow that the secession of the single dissatisfied nation dissolves or defeats the congressional compact as to the other parties. It is not and ought not to be in the power of one government to deprive others of their diplomatic privileges. This alliance once formed should be unlike other political connections or confederacies which one detached link breaks asunder. There will remain sufficient capacity in the Pacific League after such a secession, to carry forward its great objects, and sufficient power to triumph over any partial discontent. For what can any seceder do against what may be called the law of nations? The vital interests of government and the good of the people will be involved in the alternative of submission (according to the engagement of the refractory nation), or resorting to arms. The latter course would not be taken, as we may reasonably presume, inasmuch as it will bring dishonor on the seceder, by a violation of its faith, and greater discontent and ill success on its own subjects.

Again; it will be every nation's advantage to

become interested in the success of the Congress and to form part of the confederacy of peace. Every nation would be on that account better respected by others, whether unchristian, uncivilized, or not. To associate with the confederated governments will evince a pacific and just disposition, while secession would disfranchise a country from the establishment of the law, and might deprive it of the enjoyment of the rights, of nations. This effect cannot be considered as coercion, but it certainly amounts to strong inducement to join the league and submit to the umpirage of the nations.

Finally,—no good reason, perhaps, exists, why this Congress may not be empowered to enforce its stipulations by some system of forfeitures or disabilities visited on the nation which shall violate its obligations under the compact, or by any compulsory measures short of war. For it must not be forgotten that the institution *represents* the nations; and they in fact will be bound to see its stipulations executed even by compulsion. How can any infringement of the international compact be prevented or remedied, save by national authority exercised by the nations or the Congress in whose *pro hac vice* it is vested? Nor is it difficult to imagine what description of forfeitures or disabilities short of actual war would effect this object. They may consist in national outlawry of some kind, —humiliating censures,—blockades,—captivity of subjects wherever found,—nonintercourse, and a variety of acts productive of national embarrassment and pressing heavily on the enterprise of the factious

country. The law of nations speaks with commendation of such punishments among nations now resorted to. "It is not always *necessary*" (we believe it never is) "to have recourse to arms, in order to punish a nation; the offended may take from it, by way of punishment, the privileges it enjoys in his dominions, seize, if he have an opportunity, on some of the things that belong to it and detain them till it has given him a just satisfaction."* *But whatever the system of compulsion* or punishment may be, there is no doubt that without bloodshed the object of the institution proposed could be carried into entire effect. It is to be viewed in the light of a preventive and conciliating rather than an arbitrary confederacy which the nations are urged to form,—a Court of intercession whose stability and success will depend on the degree of national confidence reposed in it and national support given to it. Perhaps, however, compulsory measures or a system of punishment would not, after all, conduce to the permanency or success of the institution. We know there is nothing of the kind at present incident to international diplomacy which is nevertheless successful. Their practicability or necessity will depend very much on the extent of power entrusted by the nations to their Congress. They may, perhaps with more propriety and effect, reserve to themselves the enforcement of its stipulations, the Congress being the judicial and themselves the executive department in the confederacy. The internal commotion and

* Vattel, Book II, ch. xviii, § 340.

disaffection of that country which should array itself against the just decisions of this common impartial umpire, would soon coerce it to a pacific obedience. The only reason why there should be any disabilities inflicted, or coercion applied, to make a government acquiesce in the decrees of the Congress, seems to be that they now, as measures adopted in wars, force nations to sue for peace; and something of the kind might be agreed upon, which would serve, after the establishment of the Congress, to insure respect and submission to its judgments. But it should be remembered, that the case we have been considering of hostility to a decision of this umpire, is not a case of *manifest* injustice done by that decision. That is not a case at all likely to occur. Injustice may be done in many ways;* but, unless "palpable and evident," the nations should submit. Their law now declares that, "in all cases susceptible of doubt," a sentence duly passed by a foreign tribunal should be acquiesced in." The law of nations prescribes to different states a reciprocal respect to the jurisdiction of each, "and it is highly suitable to their repose, and their duty with respect to human society, for nations to oblige their subjects in all doubtful cases to submit to foreign sentences."

During the first years of its existence, the Congress may not entirely succeed; for war may not always be prevented. This might be naturally expected of an untried course of national policy, and is incident to all

* Vattel, Book 3, ch. xviii, § 350.

new establishments. Diplomacy, however, and the progress of civilization, united with the influences of Christianity, have removed many causes of war, or rendered many insufficient and improbable. Governments are more disposed for the future to take safe counsel from the past. Temporal and spiritual dominion no longer give occasion for deadly strife. No new worlds can be discovered for the conflicting claims of sovereignty. Legitimate succession,—international rights,—the relations of states — are better defined. Aboriginal wars have as rapidly dwindled in number as the aborigines themselves. Liberty and liberal policy are strongly enthroned in the governments of the Old World, after a few desperate but glorious struggles. The institution of this Congress will add to their stability. If France, England and the United States alone, should first unite to establish it, who will doubt the effect of their example upon the rest of Christendom and the world? Such a powerful commencement of the work as either two of those countries would make, would be a sufficient earnest of its consummation. In speaking of the means of securing the adoption of a new maritime code, Azuni recommends, from former experience, the union of several respectable powers, giving an instance of the effect of a good example,—the union of three second rate maritime powers in 1782,—as if by a similar coalition chiefly, the solemn establishment of commercial rights was to be ever procured.* Can

* Vol. II, p. 189, and note p. 192.

this Congress be thought a distant event, when the governments of the earth shall seek to *prevent war as the greatest national calamity?* And what will prevent it but a common court of arbitration? It is repugnant to the best and fundamental principles of good government, and national justice and glory,—repugnant to the laws of nature and to reason. The law of nations, we have seen, needs revision and reform; the Congress is peculiarly suitable to accomplish this object, and is in complete unison with the sacred principles of justice. We know the present extent of power,—the popularity,—the success of diplomacy. These can all be increased by this measure. With the people interested in its favor, what prevents national faith from being pledged for its support? And when both of these conspire together to make the Congress efficient, who will doubt its permanency or universality? The present state of the world has nothing in it to frighten nations away from the measure, and public sentiment is daily waxing stronger in its favor, and calling louder for its adoption.

The security of government, the prosperity of mankind,—these are superior to a name or a power at which the world might tremble. Men are brethren, but the rivalship of sovereignties has made them enemies. "The more accurately," says one, in the spirit of truth, "we discern our own interest as nations, the less shall we be disposed to disturb the peace of our neighbors." WAR—it is the government and the deluded people run mad; it is a scene where the tragic actors stand armed to murder

their species on the score of state-reasons. No, they are not *human* reasons, but reasons of state,—that invisible fiction, the state, in contradistinction to man. For man is interested as well in the political justice as in the happiness of his species. What MAN does not instinctively shudder at a custom so full of injustice, crime and misery? But PEACE — that is a positive state, producing among nations a system of reciprocal benevolence. It is their happiest and most glorious era. Compare it with war; contrast the blessing with the curse. Christians, — philanthropists, — men of enterprise and public spirit,—statesmen, — ye who rule and who are ruled,—we invoke you, be ye poor or rich, baseborn or noble, peasant or prince, to examine with the faithful impartiality it demands, and to aid with all the energy of mind and soul it claims, the CAUSE OF INTERNATIONAL JUSTICE AND PEACE.

E S S A Y

ON A

CONGRESS OF NATIONS,

FOR THE ADJUSTMENT OF INTERNATIONAL DISPUTES, AND FOR THE PROMOTION OF UNIVERSAL PEACE, WITHOUT RESORT TO ARMS.

By M.

ESSAY.

THE idea of introducing a state of uninterrupted peace among the nations of the earth, has not unfrequently been regarded as altogether extravagant and absurd. That kings should ever be induced to strip themselves of the most conspicuous insignia of monarchical power—that rival and jarring states should suddenly smother the hereditary animosities, the national feuds, the hostile rancor, that have kindled their strifes for ages, and spontaneously substitute sentiments of fraternal kindness and Christian philanthropy—that restless and aspiring individuals, for whose ear the trump of warlike glory swells with the sweetest eloquence, should willingly exchange what has long been deemed the loftiest pursuit of honorable ambition, for a state of pacific obscurity and inglorious quiet—are anticipations thought to be only engendered among the wildest dreams of the visionary, or the most irrational extravagances of the fanatic. When, therefore, an association of individuals seriously undertake to

accomplish an object seemingly so impracticable, the experienced politician is apt to regard their efforts with ridicule—the unthinking multitude with incredulous contempt.

But a more thorough acquaintance frequently induces us to regard with respect projects which, upon a cursory examination, seemed most unequivocally ridiculous. The efforts of the Peace Society, at first glance, may seem directed to an end altogether unattainable; but a closer survey of the grounds of their hope will, I am confident, convince any unprejudiced mind that its friends have, at least, some plausible prospect of success. To such, then, I would make the ardent request, that they would candidly examine our plans, and objects, and expectations. The subject is well worthy a liberal and thorough examination. We have engaged in one of the most humane undertakings that ever elicited the exertions and aspirations of philanthropy. If we fail, the disappointment is our own; the world can receive no detriment from our exertions, however unsuccessful. But if we succeed,—if our efforts for ameliorating the lot of humanity are triumphant,—what a fountain of the bitterest woes will be dried! what rivers of blood will cease to deluge and destroy the choicest of human bliss! how will the heart of philanthropy exult, and what a smile of unmingled delight will kindle over the face of a suffering and desponding world! That a foul stigma, which for so many ages has defaced the annals of humanity, should be wiped away—that man should cease to follow the fratricidal

example of the first of sons and of murderers — that he should lay aside his cannibal ferocity, which, unlike that of the wild beast, is turned against his own race and kindred — that infancy, and age, and feminine helplessness should for ever hereafter repose in safety — that our flocks should feed on their green hills in quiet, and the smoke of our cottages still curl on the peaceful breeze — that these sights should hereafter present themselves, instead of the butcheries, the havoc, the conflagration of war, is an object well worthy the most devout and unwearied efforts of every friend of human honor and human happiness. Great God! is such an expectation a chimera, the creature of a duped and sickly imagination? Are the efforts which aim thus at the exaltation and blessedness of the human race inspired alone by folly? Is any sad and inevitable fatality thus brooding over the fate of mortals? Must reason guide, and success for ever crown schemes of human wretchedness, and human destruction; while disappointment is for ever to be the bitter cup of those who thus signally endeavor to render the world better and happier? We are unwilling to believe it. We will not, at least, despair without an effort.

We wish our object and our means to be distinctly understood. We seek to produce a state of permanent peace, by persuasion, not by force; to prevent the recurrence of war, by acting on the free-will of sovereigns, not by weakening the allegiance of subjects. It is the quarrels of nations, in their independent political capacity, and not their domestic

dissensions, for which we intend a peaceable adjustment. We hope to effect our purpose by substituting for the sword a better remedy for national injuries; something which shall stand in the place of a legal court of justice, where reason and equity, not brute force and accident, shall be the arbiters of right. To convince the world that such a design is not altogether impracticable, is a matter of primary importance in securing its success.

Among the ancients, in the time of Cicero, it appears to have been a generally received opinion, that war is the natural state of man;* that a fundamental principle is implanted in human nature, predisposing to quarrels and conflicts. The same idea has been seized hold of by Hobbes and Cousin, and some other modern philosophers, who would fain convince us that it is essential to human happiness and prosperity. If all this be true, then we can hope to obtain peace only by holding in check a fundamental law of the human constitution. It is an unnatural condition; and, in that case, the stream might for a while be checked in its natural descent; but no obstacle would be sufficient to restrain it for ever. But such an opinion and such a conclusion are warranted neither by reason nor experience.

I know, when we cast a hurried glance over the

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* Quis enim vestrum, judices ignorat, ita naturam rerum tulisse, ut quodam tempore homines, nondum neque naturali, neque civile jure descripto, fusi per agros ac dispersi vagarentur tantumque haberunt quantum ac viribus per cædem ac vulnera, aut eripere aut retinere potuissent.—*Cicero, Oratio pro P. Sextio, cap.* 42.

past, and hastily reflect on the massacres, the rapines, the battles and burnings, the rash vengeance and deliberate cruelty, which almost entirely constitute the history of nations, we have some reason to conclude that all this is to be attributed to some instinctive principle of our nature. We see the past existence of mankind rendered a contest of one against all. We behold the savage wielding his midnight tomahawk, exulting in the groans, and tearing the scalp from the head of his bleeding victim; the armies of the so styled civilized, refined, Christian nations whetting their swords for mutual destruction, and doing their utmost to cut short that brittle existence whose brevity is the theme of every day's moralizing and regret; the whole earth seemingly turned into one vast human slaughter-field, where brothers, those descended from the same common parent, may meet as mutual butchers, to redden their hands in the blood of their kindred. When we reflect upon these facts and circumstances, we are induced, by a feeling of human pride, to attribute them to something like a fatal necessity, and not to the unnatural and demoniac passions of the human heart. But it is not necessary to adopt either the one or the other of these two modes of explanation.

From what is to follow, I think it will naturally be inferred, that a state of friendship and social union is the great governing desire of the whole human family. But other principles have heretofore, in a great degree, counteracted the effect of this pacific propensity.

There is a general propensity in the strong to

make encroachments upon the weak, and rob them of their property, their liberty, their lives. I hardly know whether this can be called an instinct; but surely it is a disposition exceedingly prevalent. The natural collision of these opposite propensities has made the earth now swarm with the life of contending armies — now silent with the solitude of death.

Other causes may have had their effect. Pride, rivalry, prejudice, revenge, have been fruitful causes of international collisions; but the great fundamental source of blows and bloodshed has been this disposition of grasping encroachment on the one hand, and, on the other, a determination to defend their rightful possessions, even at the risk of their persons and their lives. Hence have arisen thieves, and robbers, and marauders, and the private battles, by which alone, in early times, protection was found against their lawless encroachments. Hence have sprung up pirates, and banditti, and conquerors, and the conflicts of communities, and states, and empires. Hence, too, the origin of tyranny and oppression, on the one hand, and of the love of liberty, and the determination to protect it at all hazards, on the other. The great contest of privilege against prerogative, — of the weak and the many against the mighty and the few — of natural right against hereditary power — the great political convulsions which have given birth to human liberty — the mighty efforts which have defended the cradle of her infancy against usurpation — and the desperation which has pillowed her on the bosom of battle, and nurtured her with blood; — all these have arisen from

the unconquerable determination to resist injustice and overbearing aggression, be the consequences what they might.

The causes, then, which have given rise to continual contentions, are not, as some have too rashly concluded, an innate thirst for human blood. I admit that a passion for military glory often foments, and even gives rise to national quarrels; but this cause is altogether secondary. The miser's love of gold, originating in a relish for the advantages thereby purchased, becomes, by the process of association, transferred to the yellow ore itself. So the utility of martial deeds, in rude and warlike ages, causes them to be held in high reputation. The renown they confer becomes the leading object of emulous ambition; the effect becomes a cause, and these great national fevers are often originated for the sole purpose of giving military leeches an opportunity to acquire new skill and reputation in their management.

So far from a state of continual warfare resulting from the principles of our nature, our ruling propensities incline us in the contrary direction. Accordingly, we shall find that, since the commencement of civilization, a change from war to peace has been in continual progress, in all countries, and under all circumstances; that this change has awaited only the introduction of effectual peaceable substitutes, thereby demonstrating that the numerous wars of earlier ages do not indicate that men are not desirous of peace, but that they love liberty and protection more. We shall observe, that at the first almost every subject

of dispute gave rise to violence, as the only arbiter and supporter of right; that regulations were gradually introduced for the purposes of amicable adjustment, and that so fast as they could be rendered effectual, the awards of courts of justice were quietly acquiesced in. From thence the inference will necessarily follow, that when the system for affording pacific redress becomes complete, the right of private vengeance will be willingly surrendered by individuals and empires.

This change is worthy of some consideration. It is naturally separated into three great divisions. The first shows the civilization of individuals, — their assemblage into communities, and their quiet submission to the authority of the laws. The second exhibits to us these communities uniting into nations, laying aside their ferocious liberty of private war, as soon as it can be done without jeopardy to their rights or their safety. The third will present to us the revolution in the state of nations, the effect of a law of mutual attraction by degrees drawing them into a system of social order, a species of civil government, a grand federal republic of nations which requires only to be completed, to render peace among independent states hereafter perpetual. All these different changes have been simultaneously in progress. The first two are already almost completed, — the last is now far advanced and requires only the successful adoption of some institution, like that now in contemplation, to render it entire.

If we were to suppose the earth peopled by a race

of men entirely destitute of civil government, it might assist in the examination of this subject. In this situation, each would depend for protection and safety upon his own unassisted strength. He would wage war and make peace at pleasure; and his belligerent propensities would have the most ample scope possible. If war were his natural element, if any constitutional instinctive principle urged him to a life of conflict, he would never seek to exchange his present condition in this particular; because, by any change, his ruling principle would, to a greater or less degree, be constrained and counteracted. But if a desire of social order be the predominant propensity, this state of total disunion and savage liberty would not long continue. The weaker would combine, for the purpose of obtaining that security and quiet from union which singly they could not command. Little independent associations would thus be formed, and the warfare of individuals would be transferred to communities. Its evils would by this means be removed one degree from their own immediate doors. Men would cease to live in continual apprehension, like the most unsocial of wild beasts. They would have taken one step towards the establishment of permanent quiet.

The earth would now be filled with little knots or combinations of men bearing towards each other relations similar to those before existing among individuals. The evils which gave occasion to this change would have been mitigated, but not removed. The same causes operating, though more remotely,

and less urgently, would at length induce another similar change. Tired of continual conflict, several of these tribes, clans, or cities, would combine by mutual consent, and thus form a community of an order one degree higher; or perhaps some of these little states, more successful or more powerful than their neighbors, with a strong hand would reduce the others under their control, and the dread of longer continued contests would induce the weak to submit to the quiet rule of the powerful, as the lesser of two evils. In whichever of these methods it should happen, it would still be the disrelish of an unsettled and contentious life, which would urge mankind to unite in larger communities. This process would continue, until the earth became apportioned off into territories, defined by natural boundaries, or by strong and peculiar moral causes, and assuming the titles of states, kingdoms or nations; and thus another important epoch would have arrived.

In this ascending progress, each step would remove one degree farther off the immediate evils of their situation, and, consequently, the urgent necessity for mankind to seek another change would be continually diminishing. Their dwellings would be less liable to conflagration, their flocks and fields to rapine, their wives and daughters to outrage, their children and parents to butchery. When, therefore, these embryo empires have passed successively through the stages of families, clans, tribes, and cities, and have increased to kingdoms, with natural and well-defined boundaries, the evils of occasional collisions will bear no

comparison with those which tormented mankind at an earlier period, and which rendered their situation in some respects less tolerable than that of the wild beast which is hunted for its spoils. Still great inconveniences would continue to be felt, which would still call for a remedy. Their more immediate and evident causes would, in the first place, become alleviated. The miseries of war would be gradually mitigated,—its most fruitful causes removed,—its atrocities ameliorated,—conventional regulations for avoiding it would be introduced, until at length law would assume the place of force,—means would be devised for adjusting in an amicable manner the misunderstandings which had before given rise to violence,—permanent order and harmony would be introduced, and a state of universal, undisturbed quiet pervade all nations.

Such is the natural result of a constitutional propensity such as I have above supposed. Throughout all the circumstances and relations of nations, the establishment of peace would keep pace with the progress of human ingenuity, in projecting appropriate substitutes for violence.

Such is in fact almost a hasty summary of the history of nations. As we look back into the dim regions of antiquity, we see not, it is true, the primeval state which I have at first supposed. This, if it ever did exist, is too distant to be brought within the ken of present observation. But the telescopic glance of history can penetrate sufficiently far, to exhibit a state not many removes from this condition of primitive

barbarism. From that state men, in their individual capacity, have been progressing by a movement sometimes accelerated, sometimes retarded, but all the while its general course was onward. One after another, they have at length succeeded in reducing nearly all their relations with each other to a state of civilization and quiet. Nations have started from a similar point, their progress has been similar; and we are warranted in the prediction, that they will eventually arrive at a like termination.

In fact, the principal events of the moral as well as of the natural world are regulated and controlled by permanent and abiding causes. The laws which rule the great changes in human society are almost as unerring, as those which guide the movements of the planetary and terrestrial worlds. It is true that frequent vicissitudes present themselves to our observation, and almost compel the conclusion, that accident has the greatest share in the disposal of human events. But a more thorough consideration of the subject will convince us, that the great moral revolutions which take place among mankind are produced by some fundamental law of the human constitution, which, however baffled, retarded, and counteracted, still acting for ages, will at length produce its effect.

The changes in the natural world are oftentimes as irregular as the most capricious of human vicissitudes. Yet few would think of attributing them to the operations of accident. Who that should for the first time observe the rapid variations of the seasons, the sudden return of heat and cold, of storm and sunshine, would

ever conclude that spring and autumn, that summer and winter, with their flowers and fruits, their scorching heats and benumbing frosts, succeeded each other with the most inevitable certainty and the most unvarying regularity. Who that uninstructed should observe the superficial inequalities of the earth, would suppose that hill and dale, that mountain and valley, were disposed with strict reference to a form of general rotundity. But on acquiring more correct notions, he will be aware that all these particular diversities are subject to a law of general regularity. It is thus with the moral changes to which human conditions are subject. They succeed, they are baffled, they advance, they retreat, they are filled up with vicissitudes and fluctuations, but their average course is generally found to be almost uninterrupted and uniform.

If, then, from the remotest times, the civil condition of mankind, in all countries, has been undergoing a slow but continual change to a state of law, and order, and quiet, we are warranted in inferring a general pervading cause, impelling to such a change. If a similar alteration has been in progress with petty communities, prompting them to exchange the turbulent liberty of waging war at will, for the advantages of union into states and nations; this shows that the operation of the same cause is not confined to men in their individual capacities. If nations have been moving on in the same career, with a slower but not less constant pace, this will justify the conclusion, that they too are within the same sphere of moral

gravitation, and will be acted on in a similar manner. This subject is worthy of a little further consideration.

The earliest authentic history of mankind in all countries, presents us with a state of society in which each individual frames almost all his actions by the standard of his own discretion. The more rude the age, and the more uncivilized and barbarous the people, the more simple and inartificial are the laws, and the more uncontrolled is the right of private vengeance. Without going back to the fabulous ages of antiquity where tradition, which is generally tinctured with truth, shows us heroes battling under their own standard, and dealing out death and vengeance single-handed at discretion, we have well-authenticated history to furnish us with proofs and illustrations. Among the Arabs before the time of Mahomet, we are told, "each individual with impunity and renown, might point his javelin against the life of his countryman. The union of the nation consisted only in a vague resemblance of language and manners, and in each community the jurisdiction of the magistrate was mute and impotent. In private life, every man, at least every family, was the judge and avenger of his own cause. Their refined malice refused even the head of the murderer, substituted an innocent for the guilty person, and transferred the penalty to the best and most considerable of the race by whom they had been injured. If he fell by their hands, they were exposed in their turn to the danger of reprisals; the interest and principal of the bloody debt became accumulated; the individuals of either family led a

life of malice and suspicion; and fifty years sometimes elapsed before the account of vengeance was finally settled."* Some of the German tribes had not advanced beyond this state of savage simplicity. Among the Frisians, we are told, the right of private revenge remained altogether uncontrolled, and several others were nearly in the same condition.† "The Germans," says Montesquieu, "enjoyed an excessive independence. Different families waged war with each other to obtain satisfaction for murder, robberies and affronts." The savage tribes of America are to the present day in nearly the same condition.

This is, in fact, the general history of the earlier savage state, in all ages and countries. A vague sort of partition line divides men into tribes, but within those enclosures each one retains possession of most of his unrestrained, untamed liberties. It is the first step towards the regular organization of civil government—an organization which seems rather calculated for resisting immediate, external violence, than for the dispensation of domestic justice. There was a sort of allegiance due from the individual to his tribe. A moral tie or *esprit du corps* existed, like that which binds the soldiers of an army, rather than a system of civil institutions uniting them in a nation. But the ground was prepared for rearing those institutions. They germinated and flourished afterwards.

In this manner was the world of mankind separated off into distinct, sectional divisions. Each of these

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* Gibbon's Rome, chap. l. † Hume's England, Appendix, 1.

little communities was, as it respected the component individuals, in a state of the grossest barbarism, and save that they had banded themselves together, although principally for warlike purposes, little advance had been made beyond the rudest state of nature. The first step towards the introduction of a state of domestic civilization, was a modification of the right of private war. The civil magistrate interposed, and obliged the injured party or his friends to accept of a composition, which was adapted and apportioned to the nature and magnitude of the offence. In this state were the more civilized German tribes in the days of Tacitus.* The Anglo-Saxons had advanced no farther in completing the political and civil union. The laws of king Alfred prohibit the individual aggrieved from fighting the aggressor, until he had demanded and taken measures to obtain a compensation, provided he knew that his enemy had resolved to keep his own house or lands; and similar in this respect were the laws of king Ina. King Edmond ordained that if any one committed murder, he might, with the assistance of his kindred, pay within a twelvemonth the fine of his crime, and if they abandoned him, he should alone sustain the deadly feud or quarrel with the kindred of the murdered person.† Similar regulations seem to have been familiar to the history of the early jurisprudence of the Greeks,‡ the Jews,§ and the Arabs.‖ Among the Irish, this composition was denominated an eric, and continued in use till a very late period.

* Manners of the Germans, § 21. † Hume's England, Appendix, 1.
‡ 9th Iliad. § Exodus 21: 29, 30. ‖ Gibbon's Rome, c. 1.

Thus far the object of punishment seems to have been the private gratification of the injured party, or his immediate friends, or family. The next step which was taken towards a more civilized life was, the recognition of crime as an offence against the sovereign. The magistrate, whose office it was to guard public peace, conceived himself injured, and his authority contemned, by every injury done to any of his people, and, in addition to the compensation above mentioned, exacted a fine to himself, as an atonement for the breach of the peace. This view of the subject of punishment gained ground. Crimes became, more and more, considered as offences against the commonwealth, and met with punishment accordingly. One of the laws of Alfred awarded death as the punishment of murder. This is however believed never to have been carried into effect, being a little too far in advance of the spirit of the age. This change has now become almost if not altogether complete; and, instead of the gratification or pacification of human vengeance, the whole object of punishment is the prevention of crime.

This relates entirely to criminal jurisprudence; and in a barbarous age scarcely any other is known. In questions of private right, personal altercations generally ensued, terminating in blows and blood, and thus issue was joined, and proof generally furnished in a criminal trial. All difficulties in establishing facts were generally obviated in a similar way. All questions involving doubt were soon merged in an unquestionable crime, which then became the sole object of attention and punishment.

But as refinement and civilization began more fully to develop themselves, — after ideas of wealth and property had grown familiar, a distinction grew up between civil and criminal injuries. The rights of property became more evidently matters of interest, and more formal and reasonable methods for their determination were resorted to. The attention of mankind became also directed to the means of establishing the truth or falsehood of conflicting claims, and new institutions which are called for by the increased variety in the relations existing among mankind were provided by their ingenuity and experience.

The ordeal, or judgment of God, was among the most simple and natural means for the determination of truth. But among a valiant and warlike people, the sword was soon looked upon as the great arbiter in all controverted matters; and questions of law, or fact, or evidence, were all decided by the impartial tribunal of trial by battle, under the supervision of the laws and the eye of the civil magistrate.

According to Velleius Paterculus, the ancient Germans were wont to decide all contests of right by the sword; and among the Goths in Sweden, judiciary duels were established at a very early period. But their general introduction and formation into a regular system, was a work reserved for the Burgundians and Franks.

The proof by witnesses was a method of arriving at truth, too simple and natural to escape for a long time the observation of nations of the least refinement. In its first introduction into France, it was used for the

establishment of negative proof. In other words, where a person was accused of any crime, he swore he was innocent, and the witnesses or compurgators whom he brought forward, swore he had told the truth. This gave rise to judicial combats. For when the plaintiff saw the decision of the cause entirely removed from any possible interposition of his own, dependent upon the veracity of his antagonist and the consciences of the compurgators, who had perhaps been suborned, how could he be expected quietly to acquiesce in the decision?* No species of injustice would be brooked with greater reluctance by a warlike people. The public sentiment said, Let us have another system,—and another system rose into being.

Among the Lombards, the system of negative proofs was applied, without the formality of compurgators, to the controversies for the possession of lands. The defendant alone by his oath might obtain his cause; so that if he would perjure himself, he was sure of success. This detestable custom was so repugnant to the feeling of the people, particularly of the nobility, that they made the most strenuous efforts for its abolition. Accordingly, by a law of Otho the second, it was ordained, "That whenever there happened any disputes about inheritances, and one of the parties insisted upon the legality of his title and the other maintained its being false, the affair should be decided by combat; that the same rule should be observed in

* See Montesquieu, Spirit of Laws, Book 28, chap. xiii, xiv.

contests relating to fiefs; and that the clergy should be subject to the same law, but should fight by their champions."*

Private battle having been thus introduced as the arbiter of right and the test of conscience, and being in consonance with the warlike spirit of the times, spread rapidly, and soon swallowed up every other species of jurisprudence. Nor was it long restricted to the parties in the suit themselves. When the plaintiff saw one of the compurgators of the defendant about to swear against him, he might challenge the witness himself, who must either fight or be rejected. If he were overcome, the cause was determined; for it was deemed conclusive evidence that the defendant had produced a false witness, which was sufficient to establish the guilt of the party himself.†

One of the peers or jurors might also be challenged, on the ground that he had given a false verdict, which operated as a species of appeal from the decision; so that, although peaceable means continued in use, the party himself had in most instances the power of appealing to the veracity and the impartial discrimination of the sword.

The management of these judicial duels was digested into a regular system; for men in time reduce their very absurdities to order. Thus, if a knight challenged one of the lower order, he must present himself on foot and with the weapons which common-

* Montesquieu, Spirit of Laws, Book 28, chap. xviii.
† Ibid, chap. xxvi.

ers used. Officers were appointed to superintend the fight and decide upon the result. Before the combat, the relations of the parties were compelled to retire, and all persons were prohibited, under the severest penalties, from rendering assistance to either party. Duels were not allowed where the matter in dispute was of small consequence; nor where the fact was notorious; nor where the endeavor was to alter an established usage. When the accused had been once acquitted, another relative of the deceased could not put him a second time in jeopardy.

A regular system of bloody jurisprudence was thus built up and gradually introduced into all parts of Europe during the dark ages. Having much to recommend it to the warlike people of those rude times, it continued long in existence. In fact, how glaring soever its imperfections, it was far superior to the institutions which immediately preceded it, and it was so esteemed and received by those to whose adoption it was presented. They perceived in it a species of trial, whereby the determination of their cause was not dependent upon their antagonist. They saw that their rights could not be cloven down with impunity, and they acquiesced in the new regulation. It was a beneficial substitute for the licentious exercise of private vengeance. The trial by combat, therefore, although sanguinary and unreasonable, may justly be regarded as another step towards the establishment of law, and order, and refinement.

The next change which took place, was the introduction of reason instead of force, in the determi-

nation of disputed questions. We have already seen that the roughest points in the system were gradually worn away; that it slowly assumed a more reasonable and consistent form, and had at length attained the appearance and character of a species of jurisprudence. By this means, the way was gradually prepared for the introduction of more reasonable institutions. The absurdities and defects of this system became prominently developed, their appropriate remedies became understood, they were resorted to and applied.

It has before been remarked, that the great cause of the general introduction of the trial by battle was, the imperfection in existing establishments. By the institutions of St. Louis, these defects were remedied in his dominions, and peaceable adjudications again became established.

In the first place, he allowed an appeal to be brought from the courts of his barons, to his own tribunals. This obviated the necessity of challenging one of the jurors, which had before been the only possible method of reversing an iniquitous judgment. The appeal for false judgment, as it was denominated, was then prohibited in all the baronial courts.

Secondly, he made a total change in the mode of proof. Instead of the oath of the defendant, and his compurgators, positive evidence was introduced to establish the justice of the plaintiff's claim or the certainty of the defendant's guilt. Having established this change in his own courts, he prohibited the challenge of witnesses or parties, and the feudal lords

soon followed the example, and introduced the same change into their own tribunals. By these means, judicial combats became at length entirely disused.

This course was effectual, because one system was expelled by the introduction of a better. Provision was made for satisfying the object of even an absurd institution, before any compulsory measures were taken to put that institution out of existence. Had this prudential measure been neglected, had an effort been made, by mere naked coercion, to abolish the trial by combat, instead of a most important and successful revolution, the historian would have had occasion to record another instance of the impotence of royal authority, when acting in direct opposition to strong public sentiment.

We have spoken of the change which took place in France. In England it was not widely different. The nature of the jurisprudence which existed there in the time of the Saxons has already been adverted to. The Norman conquerors introduced the customs of chivalry, and the wager of battle became a familiar mode of settling private quarrels.* This practice existed in full vigor, until the time of Henry the second. That prince instituted the grand assize for the purpose of settling claims to real estate which had formerly been decided by battle. The former mode was not prohibited, but the party had his choice between two remedies. Such, however, is the propensity of mankind towards a peaceful establishment,

* Blackstone's Commentaries, iii, 337; and iv, 346.

where it is at all tolerable, that this new mode of trial soon became almost universal. Other substitutes were afterwards devised for the other cases where the wager of battle had before been in use, so that this species of trial fell at length entirely into neglect, and was finally repealed.

A similar change has taken place in all the other European nations, where scarce a vestige now remains of this sanguinary jurisprudence, once almost universal. The sword of vengeance and the shield of protection is, in almost every instance, taken from the individual and placed in the hands of the magistrate. Perhaps there are no cases, except those of self-defence, and private duels, where this civilizing process has not already wrought its entire change. The former of these must always exist from necessity. The latter, although in most countries forbidden under the severest penalties, has never been suppressed, because no satisfactory substitute has ever yet been presented. When the laws shall afford a legal and efficient redress for outraged feeling, we may then expect a voluntary and final relinquishment of this impious practice. The law of violence will give place to the law of reason, in proportion as the latter becomes seconded by regulations consonant with the requirements of public feeling.

From what has been already observed, one truth presents itself in strikingly bold relief, which will be of assistance in our future inquiries. It is that the alteration of the customs or fundamental laws of a country depends much less upon the will even of the

most arbitrary sovereign than is usually supposed, — that the influence of public opinion, even in countries where the popular feeling is least consulted, is still eventually resistless. In kingdoms where the voice of the people was never audibly pronounced, we have seen a system of jurisprudence based upon negative proof totter and fall to the ground, because strongly opposed to the general sentiment. We have observed the trial by combat springing up spontaneously and irresistibly, because more in conformity with the public feeling, and this again yielding the ascendency to the first system which presented itself, more consonant to the principles of human reason. On the other hand, we observe a practice not only in opposition to the moral and humane feelings of the community, but even to the most severe and sanguinary laws still unsuppressed, and I had almost said triumphant; because it is still more repugnant to the stubborn pride of human nature, to submit to injury unavenged.

In our investigations thus far, we have been confined to the modern nations of Europe and to the changes which have therein taken place since the earliest period of their known history. We have done thus, because we have more authentic and minute accounts of those changes, and because the history of one nation in these particulars is the history of mankind. Without proceeding further, therefore, we may safely conclude that there is some innate principle of the human constitution drawing us into a state of peace, and friendship, and social order and

inducing a consequent acquiescence in wholesome legal restraint, wherever this can be done without submitting to encroachment and indignity, but never otherwise.

Such is the nature of man in his individual, social capacity, and such are the results. If we observe the history of communities, we shall perceive like consequences from similar causes.

It has been already remarked, that the first communities of men were very inconsiderable in point of numbers. Thus, in the time of the patriarchs mentioned in the Old Testament, each family with its servants and dependents seemed to constitute a distinct sovereignty. In the age of Romulus, Italy alone is said to have contained nearly twelve hundred independent cities.* Gaul, at the time of its conquest by the Romans, numbered about as many, and although maintaining some political relations with each other, these, nevertheless bore more the appearance of treaties or a tacit understanding between independent states, than that of a stable national union. Ancient Greece was divided into many petty sovereign states. The tribes of ancient Germany were numerous, and consequently the number acknowledging allegiance to each was proportionably small. Even in modern times, Germany has contained more than three hundred sovereign states. The Anglo-Saxons followed many independent chiefs; and if we except the Mexicans and their

* Gibbon's Rome, i, 55.

dependents, the most numerous tribes of Indians on the northern continent of America, did not exceed a few hundreds.

Thus does the world appear, at one period or another to have been filled with petty communities, sustaining towards each other relations similar to those once existing amongst individuals, and constituting so many distinct units, or political persons. In some instances, they seem to be in a state of unqualified sovereign independence with respect to each other. In others, from moral, physical, or political causes, this state had been succeeded by a sort of vague union, at a period of its earliest authentic history, where, like the warriors of a savage tribe, although loosely confederated for external purposes, the restraint of civil government was hardly perceivable in their internal relations, leaving them almost in their primitive state of ungoverned freedom. From that state, a species of civil polity between these distinct communities has been growing into existence, which has had the effect of dissolving their individuality, and mingling them into a larger union of states and empires.

At the time of the Trojan war, the little states of Greece began to be actuated by a common impulse, and to acknowledge a common sympathy. This connection, however loose, increased its efficacy, until it strengthened into a confederacy, which, although ineffectual in altogether preventing internal discord, still enabled them to act by a concerted movement, and to impress upon them many of the distinctive

characteristics of a united people. The object of their union was protection from external violence, and from domestic strife. This was an instance of the voluntary relinquishment of absolute independence by sovereign states, for the purpose of national union, and was dictated by the disposition to diminish the frequency and alleviate the severities of war.

The history of Rome furnishes a picture of a somewhat different character. A few thousand outlaws and vagabonds, occupying a military encampment, rather than inhabiting a city, holding a few square miles by the tenure of the sword, furnished the embryo of this renowned republic. Romulus found himself at the head of a barbarian horde, surrounded by establishments as rude and insignificant as his own, where, although something like the control of the civil magistrate began to be acknowledged by individuals, communities themselves were entirely disconnected, possessed of all the rights of man in a state of nature, and liable to many of the inconveniences. He soon began to extend his dominion. By conquest, or by mutual agreement, a few of those little states were united into an empire, of which Rome was the head. By degrees the circle of its dominion spread wider and wider; by force or persuasion, one after another of the surrounding states was embraced by its circumference. A like process had been taking place in other portions of Italy. The smaller states became leagued into larger confederacies; so that, as the Roman sway increased, it was met by rival ambition of equal energy, though directed

by inferior prudence. After ages of carnage and of triumphs, it prevailed over all opposition, and became sole mistress of Italy. These limits were too narrow to confine, for a long time, the spirit of conquest; and Carthage, Spain, Macedonia, Asia Minor, Gaul, Britain, and Germany, saw in turn the bloody footprints of Roman glory, and bowed before the desolating cruelty of Roman conquest. They became incorporated as integral portions of one vast empire, which thus stretched its arms over almost all parts of the known world.

This is an instance of a compulsory union, and probably most great nations have accumulated in a similar manner. In these cases, force seems, at first view, the only consolidating principle; but this could never have effected a stable and lasting union. The wise policy of the Romans admitted the vanquished to the advantages of victory. The weak thus saw themselves furnished with a powerful protector, and exempted from incessant broils; and the pride of national independence yielded to the desire of domestic quiet, and considerations of the public welfare. The only effect of compulsion, therefore, was to bring the heterogeneous multitudes within the sphere of action of Roman policy. All that process of assimilation, by which the discordant mass was fitted to be received into the ultimate component structure of the great body politic, was the consequence of the natural causes to which we have before alluded, aided by the wisdom of civil regulations.

By a process combined of elements similar to those

which gave power and extent to the two nations already mentioned, it is probable the aggregation of men and communities into larger bodies, in most cases, was first effected.* But examples more directly in point will be found in the modern history of Europe, when the feudal system had obtained a general adoption.

The powers and prerogatives of the barons in those times were little short of regal. They held courts of justice, coined money, possessed criminal jurisdiction within their territories, and could punish without appeal all malefactors therein detected. They could, therefore, shield from punishment the outlaws and malefactors from neighboring jurisdictions. They made war upon each other at pleasure, and even upon the king their superior. They in fact exercised supreme control over their vassals; for, although the king, as lord paramount, was entitled to their allegiance, this superiority existed rather in name than in reality; and in the wars of those periods we find the great body of the nation obeying their immediate superiors, even in hostility to their liege sovereign. We may, therefore, consider the kingdoms of Europe as sub-divided into independent baronies, connected by a sort of vague and unregulated allegiance, which depended for its practical exercise upon the virtues or abilities of the reigning sovereign. Each barony was an entire unit, a complete integral portion of the nation,

* See Gibbon, iii, p. 17, for the formation of the empire of the Khans of Tartary.

the whole together bearing a striking resemblance to a community of independent warriors, united by a voluntary alliance. They became united for external purposes, while in their domestic concerns they possessed all the luxuriance of independence. A common tie was thrown around them; but it rested so loosely, that its existence was scarcely perceivable. It was like the bond that united the sturdy German warrior to his tribe, depending principally on his own discretion for its efficiency.

The stormy independence of the feudal barons had in it something gratifying to feudal pride, but brought with it inconveniences of a more than counterbalancing magnitude. The incessant jars and turmoil to which mankind, in that state, were exposed, made them ardently sigh for tranquillity, and an abolition of their licentious and belligerent freedom. This was opposed to the wishes and policy of the turbulent and blood-thirsty lords; but their resistance, although it might retard, could not prevent, the change. Where the physical strength resides, there is the actual power; and sooner or later it will make itself felt and respected. The most enslaved of mankind may become goaded to desperation, and then their tyrants tremble. Or, at an earlier stage of disaffection, they may clamor for relief, and their prudent masters must yield to their solicitations. In whatever manner it may have been produced, the bloody independence of the feudal barons has long since ceased to cover the territories of each other with reciprocal desolation. That excess of liberty which enabled them to seek

their own redress, and measure out their own vengeance, has been pruned away. Their separate sovereignties have melted down, and become merged in the authority of a paramount superior; and in most countries of Europe, every man feels himself the subject of a king, not the vassal of a lord — the member of a nation, and not the partisan of a clan; and they look for protection to the justice of the laws, not to the length and temper of their master's sword.

As in the earlier stages of society individuals became grouped together into distinct tribes, and afterwards the process of internal cementation consolidated them into compact communities, so now these separate bodies have undergone a second process of aggregation, and in like manner have so thoroughly combined into larger masses, that almost all traces of their former individuality have become obliterated. The petty sovereignties, that once filled the earth with disorder, were first associated into groups. The distinctive, separating walls soon crumbled away, and they mingled into nations.

Long before this change was entirely completed, the earth became apportioned off into separate territories of larger dimensions, forming empires, which, like so many great political individuals, enjoyed their savage independence in all its unshorn luxuriance. Their movements were altogether untrammelled; no political relations, no conventional restraints, no jealous watchfulness of surrounding states, curtailed the unqualified privilege of making war and peace at pleasure. Their cruelty and their revenge were limited only by their will and their ability.

But international customs and regulations soon sprung up, having the effective force of laws, and from that moment a system has been growing into existence, whose completion will associate mankind into one great federal republic, and put an end to the effusion of their blood. A social compact of nations has been forming, a species of civil government has been arranging itself into a more regular order, whose completion shall accompany the reign of uninterrupted and eternal peace.*

Not that I suppose the time will ever come, when a paramount sovereignty shall be established over nations, with its king and parliament, or its president and congress, and all the attributes and emblems of supreme authority. To this the sensitive jealousy of national independence never would submit; nor is such an establishment, and such a resignation of national sovereignty, at all needed or desired.

It has been remarked, by an author of very great

* An example strikingly illustrative of the principles we have noticed, and corroborative of the truth of the position we have endeavored to establish, occurs among the snows of Iceland. That country was peopled by many independent colonies from Norway, at the time the latter was conquered by Harold with the beautiful hair, in the year 878. They formed themselves, at first, into separate communities, with elective chiefs. Confederacies were soon formed, which gradually became fewer and more comprehensive, until their number diminished to four, each occupying one of the four divisions into which the island was divided by the ridges of Mount Hecla. At last, these four confederated into a republic, having a common council, and an executive head, in which condition they existed in peace for more than three hundred years, until they were conquered by the Danes. A world in miniature. See Wilson's Lectures on Law, Vol. I, p. 332.

celebrity,* that the whole object of government is the establishment of courts of justice; and, with some qualifications, the remark is correct. The peaceable dispensation of justice between the members of the compact, forms the principal, if not the sole, object for the establishment and continuance of empires. Fleets, and armies, and kings, and parliaments, are nothing more than a species of political machinery, designed and introduced as the most judicious means of effecting this final result. Whenever, therefore, owing to a more favorable combination of circumstances, or a more happy effort of human ingenuity, means can be secured for the effectual dispensation of justice, the whole object and intent of civil government will be effectually accomplished.

The energy necessary to be vested in a government, depends upon the circumstances in which the community is placed, and the objects for which it is associated. When warlike operations are the motives of union, efficiency is the primary object. In this case, if the numbers of the people are small, so that they can simultaneously assemble for deliberation, and become actuated by a common impulse, a simple democracy may suffice; as was the case with many of the native tribes of Germany and America. But where nations have become extended in numbers and territory, some more energetic mode is necessary. An absolute monarchy, where the will of a single individual can wield the combined energies of a

* Mr. Hume, in his Essays.

nation, offers the most striking advantages; and this species of government was accordingly, a few centuries since, almost universally adopted by the nations of Europe. But as the frequency and the probability of war diminish, popular privileges can with greater safety be permitted; the strong propensity of mankind for liberty can be indulged with less danger or inconvenience, and republican institutions spring into existence. Still, all the monarchical, arbitrary and tyrannical features of even the most liberal government are called for, and kept in existence by the necessity of providing for the exigences of war. The most serious objection ever urged against popular governments, was their want of belligerent energy. As, therefore, preparation for war becomes less the ruling motive for the maintenance of government; as precautions against external attack, which furnish the grounds or pretensions for the most insatiable graspings of authority, become less expedient, the severity of government will necessarily become more and more relaxed. In the social union among nations, external attack is not to be apprehended. The nature of the institution adopted for the administration of justice will, therefore, be of the mildest character; something, the restraints of which need hardly create the consciousness of its existence.

Not only will this international government be of the mildest character, possessing little more than moral coercion, but its influence will react upon the separate members of the compact. War being abolished in the great family of nations, the burdens and severities

of governments, which have been called for as the means of effectual attack and defence, will cease to be necessary, and will soon disappear. Armed ships, standing armies, the arbitrary authority of kings and generals, and many of the institutions which at present consume the substance, and smother or jeopard the liberty of the people, will become superfluities, to be gradually lopped away. Let the tyrants of the earth, who, for ages yet to come would fain hold the bodies and spirits of mankind in thraldom, endeavor to delay this political millennium, but let the friends of human emancipation arouse, exult and assist!

We have traced the progress of civilization among individuals and smaller communities. A separation into distinct groups is the first step towards the mitigation of savage licentiousness, and the establishment of rational liberty. This preliminary separation is rendered unnecessary in the case of nations; the whole form but one single group. They may, therefore, be regarded as so many independent inhabitants of an isolated planet; and we will now trace some of the steps by which they have advanced to a species of conventional civil government.

It has before been observed, that the relations between independent nations have been vastly changed from the former state of savage barbarism, and that this change was the manifestation and even the very commencement of a great social compact. It may be well to examine a little more minutely in what this change consists.

The savage nations of America made war upon each other without notice, and without any attempt at excuse. The war-whoop breaking in upon the hunting-path, or the midnight slumbers of their devoted victims, was the declaration of hostilities. The spoils and scalps of a successful incursion furnished a sufficient justification of their conduct to themselves, and they cared for no one else. Each petty community, entirely disconnected from the others, intermeddled with none of their concerns, and questioned none of their proceedings, which did not directly interfere with its own interest or convenience. This, to a greater or less extent, is true of all nations in their rudest state. But how different their condition, as they advance towards civilization! Wars are not undertaken by the nations of the present day without plausible reasons, and are always preceded by a formal proclamation, or at least by a public manifesto. These proceedings are almost as necessary and as regular, as the proper commencement of a suit at law.

Again, war was formerly waged against the persons and property of the enemy indiscriminately. To massacre old and young, of either sex, under circumstances most shocking to humanity — to lead away the most valuable captives into perpetual bondage, not from motives of kindness, but from the incentives of avarice or cruelty — to plunder, and to destroy whatever could not be carried away, for the purpose of creating augmented distress — these were, for centuries, the characteristics of national hostilities. But

this state of things is altogether changed at the present day.* No one can legally be slain, even though he be an enemy, unless he be engaged in some act of hostilities. Captives are not suffered to be treated with unnecessary rigor; the only object being to keep them safely until they can be exchanged, or until a cessation of hostilities.† Private property, if on land, is respected, or, if taken to satisfy the pressing wants of the belligerents, proper and reasonable amends are made to the owner.‡ If taken at sea, it is still deemed lawful prize; but this practice is altogether opposed to the present state of improved civilization, and is almost universally condemned by all the great writers on the laws of nations.

Equally great is the change in the direct management of hostilities. The employment of poisoned weapons and of assassins has not been entirely discontinued till within a few centuries. Grotius§ bent the whole force of his reason and eloquence to change these and similar practices, which had to some extent existed till his day, and have since met with their advocates.‖ But they are now entirely discarded from the code and practice of nations.

In fact, the maxims regulating the management of war are in some respects directly inverted in modern times. The principle is now advocated and professedly followed, "that nations ought to do each other

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* Vattel, book 3, c. viii.

† Montesquieu, Spirit of Laws, book 15, c. ii.

‡ Kent's Commentaries, i, 92.

§ Book 3, c. iv, v, vii. ‖ Wolfius and Bynkershoeck.

all the good in peace, and as little evil in war, as is possible, without injury to their true interests,"*—a noble rule of action, but in total opposition to former brutality.

I would here remark, that if war be advocated for itself as a useful institution, if it be deemed necessary for any other reason than the want of a proper system of peaceful arbitration, then is all this amelioration entirely out of place. Better that it should have retained all its former horror; for why patronize a practice, and at the same time rob it of most of its characteristic efficacy? The savage who consigns infants and mothers to indiscriminate butchery—leads the youth of his enemy to captivity or death—gives their fields to rapine and their homes to conflagration, is at least a consistent warrior; for all this furthers the great object of his hostilities. But the civilized warrior, who willingly deprives his chosen occupation of that which gives it most of its distinctive character and effect, exhibits either the most glaring contradiction, or the greatest refinement of cruelty. Either his moral sense gives the lie to his pretended principles, or else his object is the prolongation of human torment; and his moderation results from his fear lest the despatch of his victims should diminish too rapidly their capability of suffering.

But war has been regarded as a sort of judicial tribunal. "Is it not true," inquired Gundebald the Burgundian king, of his bishop, "that the event of national wars and private combats is directed by the

* Montesquieu, Spirit of Laws, book 1, c. iii.

judgment of God, and that his providence awards the victory to the juster cause?"* "War," says Lord Bacon, "is one of the highest trials of right; for, as princes and states acknowledge no superior upon earth, they put themselves upon the justice of God, by an appeal to arms."†

War, therefore, at the present time, is at best a mere wager of battle, for the purpose of settling national controversies; or it is a species of trial for determining and punishing the guilty. It is, moreover, in its practical operation, becoming not a means of affording gratification to private national vengeance, but a species of high tribunal, existing by general consent, subject to general regulations, and acting as a public avenger of the violated law of nations. The change now proposed, is no greater than that effected in the municipal regulations of their respective countries, by St. Louis or Henry the second. As men in those times voluntarily accepted the peaceable substitute, to such an extent that the sanguinary tribunal fell entirely into neglect, so we may safely presume, that nations will follow a similar course under the same circumstances.

The similarity before adverted to between the revolution already effected in the case of individuals, and that now going on in the case of nations, is not confined to the conduct of war. In the civil administration, we shall find a concordance equally remarkable.

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* Gibbon's Rome, iii, 447.

† Bacon's Works, Vol. III, p. 40.

Prevention is better than cure. To divert evil is more prudent than to cope with it. Private quarrels frequently arise from the imperfection of municipal law; wars grow out of alleged infractions of the law of nations. As a wise code of civil regulations is productive of internal quiet, so the establishment of rules, regulating the conduct of nations under all possible circumstances, would anticipate evil, and almost entirely prevent those misunderstandings which so often result in bloodshed. Such a process has for a long time been in operation, and the code of national law has already attained a high degree of excellence.

Savages have few laws, and this is one great cause of their frequent private wars. But as their intercourse with each other increases, customs will spring up which even, without any positive enactments, will regulate the most important and most frequently recurring action of their lives. Thus, in England, until the time of Alfred the Great, custom and the law of nature had almost entirely supplied the place of written and positive law. These were collected together, and constituted the common law of England, which forms the basis and most important portion, not only of English jurisprudence, but also of our own.

The final establishment of this common law was the natural precursor of a more civilized life. The conquest of the Normans caused a tremendous ebb in this tide of improvement; and feudal barbarism seemed for a time to obscure the dawn of Saxon refinement. But when this obstacle was in some

degree removed, when the laws of Alfred had to a considerable extent been restored, the career of improvement again commenced, and has been continually accelerating, from that day to this.

This progress of civilization among nations has already attained a more advanced stage than existed among the Anglo-Saxon nations at the time of the Conquest. The same causes which gave origin to the elements of the common law, have been in active operation among nations, and with a like result. By long intercourse, customs have sprung up, disputed principles have become established, and the dictates of reason and conscience, as applied to nations, have been recognized and acquiesced in. These furnish the materials, which, having been collected, constitute the code of nations — the common law of states and empires.

This grand digest is as perfect and particular as the code of Alfred. By it, the rights and duties of independent states, under all ordinary circumstances, are clearly and particularly defined. The relations of peace and war, of the belligerent and the neutral, of the victor and the vanquished, are all discussed and ascertained, and such a spirit of justice and liberality breathes throughout the whole system, as recommends it irresistibly to the approbation of every intelligent reader—to the adoption of every enlightened nation.

As the common law, with all the statutory modifications and improvements which it has ever received, do not clearly make provision for every possible

contingency, but requires the expositions and decisions of judicial tribunals, in order to secure internal quiet, so, to whatever degree of excellence the law of nations may have attained, causes of irritation and disagreement must necessarily arise, for the peaceable adjustment of which we must make some effectual provision, if we would avoid a resort to violence. This is one of the principal objects that engage the attention of the friends of peace at the present day.

It may be supposed, that the law of nations is placed upon a very different footing from that of the common law of England. The latter had a king for its lawgiver, and was enforced by all the potency of regal power, wielded by able hands. The former may be looked upon as the production of some obscure individuals, whose suggestions, although they address themselves powerfully to the reason of mankind, are still altogether unprovided with physical force to compel obedience.

They who reason thus are in error. Grotius, Vattel, and their compeers, were not the legislators of the republic of nations. They were the mere scribes or compilers of the law. Reason and custom are the lawgivers, public opinion the enforcing sanction.

If it be said, that this last has not the qualities necessary to ensure obedience, I reply, Where is the nation that dares set it at defiance? Over empires as well as individuals, it exerts a sway more effectual than the most coercive municipal regulations. Nor does the constraining force of public opinion consist in the mere commendation or disapproval of the acts

of an individual or a nation. In civil societies, he who sets at naught the public sentiment, is soon banished from social intercourse with his fellows, and subjected to many and real inconveniences. In the society of nations, that particular member who transgresses the rules which custom and reason have established for the guidance of all, is shut out from the advantages of a friendly association with the other members, and becomes an outlaw. Thus it was with some of the states of Barbary. Thus it is with pirates and banditti, who are hunted from the face of the earth and ocean; and thus it would be with any state or nation, however wealthy or powerful, which should set at defiance the common law that has been received and acknowledged as obligatory upon all. The sanction of national law is, therefore, perhaps more efficient than that of municipal law in the best regulated governments.

It is universally admitted to be the certainty of detection and punishment, rather than the severity, which deters from the violation of law and justice. The probability of avoiding discovery, which is one of the greatest inducements to individual transgression, can never influence nations, and consequently evident infractions of their code are extremely rare. Whatever may be the restraining force, whether moral or physical, is of no great importance, provided it be effectual.

Not only have nations a common law, but they have the capability of adopting positive enactments; and this power they have frequently exercised. A

treaty between two or more nations, or any conventional regulation, is a statute obligatory upon the consenting parties, having received the most legitimate enactment and the most sacred of all possible sanctions,—the voluntary assent of the parties thereby obligated.

Nations are, therefore, very far from a state of natural, unqualified independence. They have already, though perhaps unconsciously, formed a species of social compact, which is almost matured into an effectual civil government. They have abolished the most glaring features of savage licentiousness; they have formed a federal republic; they have adopted a code of laws; they are provided with the means of enacting others, and they have the effective ability of enforcing all their regulations. We are now endeavoring to obtain the enactment of a great national statute, abolishing for ever a barbarous and bloody institution, and substituting a system founded on the principles of reason and humanity, at present professed by all the civilized nations of the earth.

It is an observation of the Marquis of Beccaria, that the customs of nations are always one or two centuries behind their refinements. The truth of this remark is no where more strikingly illustrated than in the subject now before us. We behold nations who pride themselves upon their humanity, — who have made the most surprising advances in civilization and learning, — nations who have reduced the laws regulating individual transactions to such a state of

refinement that no difficulty, however insignificant, can present itself, which has not its appropriate and peaceable remedy, — we behold those same nations, in their controversies with each other, still resorting to a modified species of the same means of redress which the savage and even the wild beast have ever employed. Such a singularity is to be principally attributed to the fact, that custom has thus far given it perpetuity. No one has thought of producing a reformation, because the idea has, in various shapes, been continually presented to him from his infancy, that nations have no other means of accommodating their quarrels.

But, although customs are always thus in rear of civilization, they are sure to follow on in its footsteps, however respectful the distance. It may be long before the obstacles that prevent alteration can be surmounted, but that time will surely come; and whenever a breach in the barrier is once effected, — whenever the current of public effort begins to wear down the obstruction, however indurated by age,—it will continue its operation until all is reduced to the common level of modern refinement and civilization. The commencement of such an event is already made. Public attention is turned to the subject, and the barbarous institutions of antiquity, however inveterate by age and strengthened by custom, shall crumble before the progress of modern innovation and improvement. Our present effort is to place one single subject on a level with surrounding establishments, in point of refinement, humanity, and reason.

This measure is not such an innovation upon established customs and institutions as to constitute in itself an entire revolution. As the final, effectual establishment of civil government, the abolition of the barbarous and bloody tribunals which were the offspring and emblem of human ignorance was but the completion of a system originating in the remotest antiquity and gradually, but constantly progressing through all succeeding ages; so the final adoption of peaceful remedies for national controversies is but the termination of a great social revolution in the condition of nations. It is not a change of modern origin. It begun when the first modification was introduced in the ferocity of savage warfare — when the first amicable understanding diminished the frequency of scenes of human slaughter. It advanced with every succeeding triumph of humanity. It strengthened with the introduction of every pacific custom. The moral sense of mankind has been continually urging the change forward, though unconscious of its natural termination. We wish to cause this revolution to proceed, without shock or convulsion, merely through another sign of the great political zodiac, and the eyes of grateful humanity shall overflow with tears of gratitude.

There are many indications that some radical change of this nature will ere-long be effected. A general restlessness always evinces the existence and the consciousness of some great fundamental evil. The fever-racked patient, sensible of pain, but ignorant of cure, tosses from side to side, and adopts

with eagerness every prescription that promises alleviation of immediate suffering, until at length medical skill ascertains the seat and remedy of the disease. Thus with nations, the immediate causes of their most intense wretchedness have been long since discovered, and by common consent removed. A general uneasiness, and a desire of remedying the operation of present establishments, indicated inherent evil. By degrees they have ascended nearer the prime source of their unhappiness, and one after another the exterior causes of evil have become manifest, and have been removed. The ultimate source of their torment is now discovered to consist in the very system of war-making, and many unsuccessful efforts have been made to annihilate the entire practice. But we now begin to be sensible that the final and effectual remedy consists in the adoption of some rational and efficacious substitute; and this, we believe, will be provided and accepted.

In fact, the elements of the success of any important measure must be derived from the prevailing sentiment of the great multitude of mankind. Popular leaders sometimes seem to wield the multitude at pleasure; but it is only because they have the sagacity to perceive in what manner that strength can be effectually exerted. The mechanic seems to subject the elements to his control; but it is only by studying the natural laws of those elements and adapting his machinery to their operation. Thus the successful statesman or politician sees in what direction the current is setting, and shapes his conduct accord-

ingly. It is true, that by sailing along with the popular flood, and by taking advantage of particular conjunctures, they may divert it, in some slight degree, from its natural channel; but as well might they attempt to chain the torrent, or arrest the tornado, as to turn back the tide of public feeling and public exertion from the direction in which they are impelled by the great laws of their nature.

Aside from the considerations already presented, there are many circumstances tending to justify the confidence that our schemes are not chimerical. Among these, may, in the first place, be reckoned the general disapprobation and aversion to war in the abstract — the diminution of the blind admiration of military glory. Where now is the frenzied infatuation, with which the multitude once regarded the successful career of the conqueror — the baleful meteor of death? It was the unaccountable fascination of the victim admiring the fangs of the serpent, into whose jaws it was impelled by the influence of an irresistible charm. But the spell is broken. The time has gone by, when men were willing to risk substantial good, and certain happiness, for the bare hope of empty renown and destructive victory — when acts the most murderous were deemed the most noble — when all the calculations made in the cabinets of sovereigns were directed to the solution of the bloody problem, "In what manner the greatest number of men can be slain in the least possible time."* Tamerlane, who piled his pyramid of seventy

* Filangieri, Science of Legislation, Introduction, p. 17.

thousand human heads, and who spilt blood enough to have made a lake that would have drowned himself and his army at once,—Alexander and Gengis Khan who paved with slaughter their path to empire, and triumphantly waved their banners dipped in blood, over the sepulchre of nations, are denounced as human butchers, not admired as human deities. Even Napoleon, the brilliancy of whose deeds dazzle from their proximity, and who seems in some of his acts to have aimed at nobler objects than self-elevation on human ruin and wretchedness, begins to appear in so dubious a light, that men scarce know whether most to wonder or abhor. So marked a change in the general sentiment prognosticates the overthrow of the whole system of legalized butchery.

We are furnished with additional reasons for a like conclusion, by the fact, that the great causes, which for so long a time have created and kept alive a warlike propensity, are fast fading away. Among the most powerful of these, may be reckoned the influence of religion. The gods worshipped, when warlike customs originated and became established, were mostly belligerent. Valor was the cardinal virtue. Among many nations, the slaughter of an enemy was an act which, more than any other, entitled the perpetrator to paradise, and was in all countries highly acceptable to the divinities there worshipped. Now, the religion professed by all the leading nations of the earth is one which enjoins mercy, forgiveness, gentleness and peace. It discountenances revenge and bloodshed; it commands love to our neighbors; and our neighbors

are all mankind. Although this religion has for a long time existed, these doctrines have never been so particularly inculcated as at the present day; and the effects must be correspondent to the cause.

Literature has been another most powerful agent in feeding the warlike propensity; and this is also undergoing a vital and happy change. In former ages, it was altogether calculated to arouse and foster a martial feeling. The poems, the histories, the orations, which for centuries have delighted mankind, have been replete with the praises of heroes and conquerors. These pictures and descriptions have been seized upon, amplified and issued at second-hand, or assumed as a species of model by every imitator, from that day to this. The admiration produced by the skill or ability of an author has been transferred to the scenes and actions described, and has kindled a natural desire to imitate the heroes of his panegyric. A magical delusion has been attempted, and in a great degree effected. The battle-field, with its promiscuous carnage of men and horses, covered with clotted gore, and the frozen fragments of bodies, — which else had now been warm with youth, and health, and happiness, blessing and being blessed,— is represented as the field of glory. The devastation of fruitful fields, the destruction of happy homes, the cleaving down of the liberties of a free, and prosperous, and happy people, appear under the guise of a splendid conquest. The tears and execrations of a nation of widows and orphans, and childless parents — the smothered groans of an

enslaved people — these sound the trump of everlasting fame for the author of such accumulated miseries; more loud, and more lovely, in proportion as they are mingled more deeply with tones of despair! And men have listened, and admired, and have been made the dupes of their imaginations. While their passions could be kept alive, or their fancies sufficiently excited, they lost sight of the real miseries they were assisting to bring upon themselves, and shouted hosannas to the bloody idol whose car was crushing them to the dust. But this infatuation could not always last; ages of suffering will at length make the most enthusiastic, or the most stupid, sensible of realities. In spite of all obstacles, moral and physical, men are at length awaking from their long-enduring trance. The scales of delusion are falling from the eyes of nations, and the literature of the age is turned, and is flowing with the general current. At the present day, he is more applauded who crowns a country with peace and plenty, than he who covers it with bones and putrefaction — he who builds, than he who burns, a city — he who has founded a wise system of laws, than he who has overturned it — he, in short, whose fame is associated with the happiness of his race, than he who has wantonly hurled the firebrand of destruction into the home of that happiness, though the smoke and glare of its conflagration should reach the heavens, and the crash of its ruins shake the earth to its centre. When we reflect upon the influence exerted by a ballad, or a tale, shall we hesitate to hope the most blessed results from this change in the literature of the present age?

The office of literature is not to originate national taste, but to fall in with and take advantage of it. It is not, therefore, a cause, but a mere manifestation, of public opinion. Homer did not give rise to a relish for such deeds as he has so glowingly described, any more than he created the event itself which he has thus embellished. He merely fanned the flame which he found already blazing. Public sentiment and national taste, though they may thus be strengthened and perpetuated, cannot be thereby created entire. They result from natural causes; and a change in these antecedents will produce a corresponding change in all the consequences.

In every age and country, that will be esteemed virtue, and become the theme of admiration and applause, which is deemed generally beneficial. Thus, in the early ages of the world, when the very possession of a thinly settled country was sometimes disputed between savage beasts and almost equally savage men — when associations for mutual protection against robbers and marauders were unknown, unaided courage and physical strength were qualities of greatest utility, and became the most frequent theme of poetry and fable. Thus we find Theseus and Hercules striving alone with monsters, and dragons, and beings known only in the extravagances of fiction. The strong arm, which could protect the weak from aggression and injury, was one of the most evident of human benefactors, and was extolled and magnified as such. Afterwards, when men became more distinctly associated into communities, and had banded

themselves together for mutual protection and defence, the valiant and successful leader of his band is the most conspicuous object of public admiration. Then flourished a Hector, or an Achilles, sometimes a leader, and sometimes a champion. Afterwards a Miltiades, an Epaminondas, or an Alexander, a Hannibal, a Marius, or a Scipio, sometimes a leader, and sometimes a general. As armies grow more numerous, and organization and discipline become more complete, it is not the leader who charges at the head of his squadron, but the general who stands aloof, and directs, with coolness and effect, the combined movements of a battle, or a campaign, that is deemed a nation's firmest support, and is, therefore, thought to deserve the greenest crown of laurel. When this change had been rendered complete, the objects of highest public admiration were a Condé, a Turenne, a Marlborough, or a Napoleon, guiding the evolutions of the most formidable armies, and deciding by a battle the fortunes of the mightiest empires. Gradually, as the efforts of the warrior began to be of less evident utility, and the prosperity of civil institutions became an object of primary importance, the statesman — the advocate of popular liberty — the author of some highly valuable invention — the projector of some splendid public improvement — the discoverer of some great scientific or mechanical truth, is appreciated, and lauded, and emulated. Then appear in the highest niches in the proud temple of fame the names of Chatham and Jefferson, of Fox and Sheridan, of Brougham and Burke, of Newton and La

Place, of Fulton and Clinton, of Davy and Cuvier, and an increasing host of kindred spirits, who lived but to bless, and died but to be immortal. Throughout all these successive stages, national literature follows on after each of these natural and necessary changes in national feeling. The latter precedes, at a considerable distance, the progress of the former; but this is like the shadow that is sure to keep in the vicinity of the substance. But poetry and fiction generally fix their eyes upon the past, and tend to create an admiration for the virtues of olden time. They thus prolong the relish for any species of glory, for ages after the circumstances which called it into being have passed away. Thus, an emulation of ancient heroes is said to have been kindled in the bosom of the emperor Commodus. He styled himself the Roman Hercules, and fancied he was reaping immortal honor, by the slaughter of wild beasts, in the city of Rome, which had been caught, and caged, and let loose for that express purpose.* Thus, too, the emperor Trajan,† and Charles the Twelfth, of Sweden,‡ endeavored to imitate the career of Alexander, under circumstances totally different from those which enabled their prototype to obtain his ensanguined renown; and thousands of others have undoubtedly been acted upon in a similar manner. This dangerous and ridiculous rivalry may, with justice and certainty, be ascribed to the praises

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* Gibbon, i, 105. † Gibbon, i, 7.

‡ Voltaire's History of Charles the Twelfth.

bestowed on the heroes of former ages in some of the thousand ramifications of literature.

But this effect, although lasting, has its limit of duration. What reasonable man would now think of arraying himself with a lion's skin, or of providing himself with the club, the bow, and the quiver of Hercules, and endeavoring to obtain a Herculean renown? Or who, at this day, feels such an admiration for the renown of Alexander, or that of any other human destroyer, as would cause him to covet their fame, to the exclusion of that of some of the great public benefactors of mankind? Or what author, having any regard for his reputation, would now make them the subject of unqualified panegyric? If such a change has been produced by the irresistible effect of natural causes, while literature was all the while exerting a retarding force, how much more rapid must be its progress now, when that force has become accelerative? The alteration of public feeling thus urges on the change in literature, which, in its turn, reacts with renewed force to effect the general revolution. An advance of the one thus increasing that of the other, the united operation of both will soon become resistless and their effect complete. When the public sentiment is prepared for it, the change must follow.

The same cause produces an effect in another manner. The many busy and restless spirits who were sighing for exertion, and who coveted the fame found on the battle-field, have frequently been the fomenters and exciters of national animosities and

collisions. But the altered condition of the world has opened new opportunities for their enterprise, and offered new objects of desire to their ambition. Every ocean and continent is explored,—every mountain is scaled—every sea is whitened with canvass—every country is checkered with the improvements of art;—and all this is done by the same daring ambition which once led men to face the cannon's mouth. The object of active ambition can be thus accomplished, without violating the best feelings of humanity. The same materials are now employed in enhancing human happiness, which formerly wrought out the extremity of human misery; and a vent is given to the powerful and dangerous spirit which formerly was exerted but to ruin. Or, rather, this powerful agent has been subdued, and made to cooperate in the great system of human amelioration; as though alcohol or gunpowder could be made to lend their potent aid to promote the happiness and prosperity of mankind, instead of exerting their utmost energies in hastening forward the rapid progress of disease and death.

Perhaps nothing has heretofore tended more directly to feed the torch of discord among nations, than the narrow feeling of prejudice, and the bitter national animosities which sovereigns have frequently made it their policy to preserve and foment. Not feeling sufficient confidence in the allegiance of their subjects, they have endeavored to strengthen its effect, by arousing and preserving a feeling of hostility to all the world besides. They have thus endeavored to com-

pensate for the weakness of internal attraction, by the application of external pressure. Strictly confined to the limits of their own immediate country, sustaining few or no reciprocal relations of amity, and engaged in frequent and exasperated hostilities, the members of contiguous states naturally acquired for each other feelings of the most bitter and revengeful animosity. A magazine of the most combustible materials was thus kept constantly in existence, awaiting but a single spark to kindle it into the most furious and fatal conflagration. For more than one half of the last three hundred years, England and France have been most earnestly engaged in the diabolical work of mutual destruction. Peace has generally been a mere respite to prepare for renewed hostilities; and war has been permitted to terminate only from a mutual consciousness of exhaustion. Does any one believe this rapid reiteration of embittered conflict has been for the vindication or establishment of any great principle, or to obtain satisfaction for any grievous insult? Or has it not rather resulted from uncompromising national antipathies? But a great alteration has taken place in this particular. The iron bands of separation, which prevented nations from commingling, have melted; illiberal prejudices have vanished; the exclusive and unsocial feeling of strict nationality has been worn away; a free intercourse is given to the citizens of different states; international commerce is permitted and encouraged; intimacies spring up between persons residing on opposite sides of the division lines of nations; they reside in the territories

of each other and find mutual protection; they form friendships; they intermarry. Foreigners are no longer regarded as hereditary enemies; the whole world of mankind is looked upon as their kindred. Patriotism ceases to be confined to the immediate land of their birth, but extends to the whole family of man. They become citizens of the world; they take each other by the hand; the dormant feeling of consanguinity kindles into awakened life, and the cordiality of kinsmen succeeds to the exasperation of foes. Will men, in such a situation, long continue a system which obliges them to cut each others' throats without personal provocation?

Another obstacle to the permanent peace of the world has been removed by the extending influence of the spirit of liberty. It has before been remarked, that war was hostile to the existence of free institutions. I will now observe, that the converse of the proposition is equally true, and that the increasing establishment of popular rights will have an irresistible effect in bringing about a state of lasting tranquillity. The people are always the sufferers by a war. They already feel this, or will soon discover it; and when the power of applying the remedy is placed in their own hands, will they not use it? When the nation was deemed the property of the sovereign, created solely for his pleasure, and obligated to implicit and passive obedience,—when the only legitimate remedy for governmental misrule, however flagrant, was deemed to be "to pray God to change the hearts of the rulers,"—then the insulted pride, the unexpiated vengeance,

or the sheer caprice of the reigning monarch might at pleasure impel a nation of obedient, unquestioning slaves to battle and to death. The maxim then was, that the people were created for the government. It has now become inverted, and the government is deemed to exist solely for the benefit of the people, and bound to take all reasonable measures for the security of their happiness; and if this be neglected or refused, the right is claimed, and sometimes exercised, of effecting even a violent change in the paramount authority. Men are not born in a state of thraldom. Allegiance and protection are still reciprocal duties; but they apply rather to those who may happen to reside within a certain district, than to those who were born there. Laws afford the same indiscriminate security to all within their immediate influence. They are not regarded as a set of independent and opposing institutions, but as one great harmonious whole. Each different sovereign is not deemed the absolute lord of a separate, unassociated system, but the mere guardian and superintendent of a particular portion of one great legal universe. Like the clouds which dispense the fertilizing rains of summer, it rises in its majesty and overshadows all the nations. It shields and blesses the innocent; it launches its thunders to frighten and overwhelm the guilty. It forms one extended shelter, beneath whose ample protection the individuals of all nations circulate without restraint, finding entire security while they choose to remain, and every reasonable facility when they would prefer to depart. Such, if not literally

true at present, is the state to which mankind are evidently and rapidly progressing. Can the sinking cause of war, thus daily becoming more obsolete and antiquated, long meet with patrons, under such a combination of circumstances?

Finally, wars must soon be discountenanced, from the conviction of their insufficiency to accomplish the very objects for which they have been generally prosecuted. The history of the world teaches us that little benefit has thence resulted, or is ever likely to result to any people.

Where are now the benefits which have accrued to nations individually, or to mankind generally, from war? Xerxes poured his millions upon Greece; yet was the splendor of his effort surpassed by the magnitude of his disaster. Greece, although triumphant, and reaping immortal honor from her courage, her fortitude, and her success, was ruined by the pride and luxury resulting from her very victory. That ruin was completed by the war of rivalry, which soon after sprung up among the members of her own family; and the republican simplicity, the splendid ages of Grecian liberty and Grecian glory were overshadowed and blighted by the pestilential breathing of this fell destroyer.

The Macedonian greatness claims a military origin; but how little reason have the advocates of war to boast of its benefits in that instance! When Philip had cloven down the few remaining liberties of Greece,—when Alexander had swept over Asia, like a tornado, prostrating and destroying—his path to

greatness only beaconed by the ruins and misery of mighty nations, — when he had founded an empire so vast that his despairing vanity whispered that he had nothing left to conquer, he died, and his blood-cemented fabric crumbled to the ground. Its greatness was only known by the depredating rapacity exerted in its erection. Its very existence would scarcely have been remembered, but for the wrecks of the mighty empires it had ruined.

Carthage furnishes us with another melancholy illustration. Possessing a system of civil institutions, which in those early times was as unusual as it was admirable, she had raised herself to the first rank in the scale of national greatness. Her enterprise had explored all parts of the Mediterranean, and even boldly penetrated the Atlantic to a considerable extent. Her commerce spread its wings for every coast, and returned laden with the wealth of every nation. Ages of prosperous activity had filled her city with spacious palaces and gilded temples. Her pride rose with her greatness; she claimed to be mistress of the seas, and to rule in the family of nations. But these pretensions conflicted with the growing greatness of Roman ambition. A hostile rivalry sprung up, which, after years of mutual disaster and distress, finally terminated in her entire overthrow and destruction. The hyena howled unmolested from among her marble ruins, and her once busy streets became a noonday solitude.

Rome is sometimes said to have been placed on the summit of national greatness by her military

prowess; but if by arms she became great, by arms, also, she was ruined. If war enabled her to desolate and enslave most of the nations of the earth, her own liberties at length fell a prey to the same insatiable monster. The sword, which had been victorious against her enemies, was by her skilful and designing generals turned against her own bosom. Marius and Sylla triumphed not more signally over their enemies abroad, than over their country at home. Julius Cæsar, whose battles had caused the destruction of a million of human beings, wielded her armies in the subjugation of foreign nations, in order to acquire an accumulation of power, the reacting momentum of which should overturn the remnant of her sapped and tottering institutions, and enable him to erect all the realities of kingly authority over the extinction of republican liberty. Then commences a long, dark, descending progress of triumphant military despotism, which, though occasionally relieved by some fairer prospect, seems to grow more gloomy the farther we advance; the tyranny of the dark, designing Tiberius —of the desolate and detestable Caligula—of the effeminate and blood-thirsty Nero. The civil wars which, in such quick succession, under Galba, Otho, Vitellius and Vespasian, swept over that devoted country, covering its fields with the blood, and putrefaction, and the whitening bones of their very owners,*

* Tacitus (History, book ii, § 70) gives the following description of the field of Bebriacum, where the contest for empire between Vitellius and Otho was decided: "The fields around presented a mournful spectacle. Forty days had elapsed, and the plain was still covered

turning the weapon of friend against friend,* and causing fathers to fall by the hands of their own children;†—these were all the natural and necessary consequences of the warlike constitution of her government. If a fair balance could be struck between the splendor of her ascent to greatness and the degradation of her fall to contempt—if the bright days of her liberty could be set off against the long, dark, starless night of her bondage and her shame—if the height of her glory and the depth of her

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with bodies gashed and mangled; with broken limbs, and men, and horses, in one promiscuous carnage; clotted gore, and filth, and putrefaction; the trees cut down and the fruits of the earth trampled under foot—the whole a dreary waste, the desolation of nature. The view of the high road was no less shocking to humanity. The people of Cremona, amidst the horrors that covered the face of the country, had strewed the way with roses and laurels, and had even raised altars where victims were slain, as if a nation of slaves had been employed to adorn the triumphs of a despotic prince. The common soldiers quitted the road to mark the place where they had fought, and to survey the arms and dead bodies of the vanquished piled up in heaps. They viewed the scene with brutal joy, and wondered at the destruction they had made; some, with generous sympathy, felt the lot of humanity, and tears gushed from every eye."

* Tacit., Hist., book ii, § 45. "A tender scene ensued. The conquerors and the conquered embraced each other, and with mingled joy and sorrow lamented the horrors of civil war. In the same tents, relations, friends and brothers dressed each others' wounds. They now perceived that their hopes were a mere delusion, and that slaughter, sorrow and repentance were their certain lot. Nor was there in the two armies a single person who had not the death of a friend or relation to lament." This is a description of the scene immediately succeeding the same battle, drawn in living colors by the same inimitable artist. War seems most unlovely when dressed in its own garb.

† Tacit., Hist., book iii, § 25, relates an affecting incident of this nature.

degradation could be viewed at the same glance, and then, if war were to claim all that was ennobling, and become responsible for all that was debasing, would it have great cause for self-gratulation?

But this would not be a proper view of the subject. The greatness of Rome, as has before been remarked, arose, not in consequence of war, but in spite of it. To her liberal and enlightened spirit, to her love and possession of liberty, to all her admirable civil establishments, was she indebted for her substantial greatness. Without these, of what avail would have been all her martial spirit? And had she possessed these alone, without ever dipping her hands in human blood, her career might have been equally brilliant, her annals untarnished, her downfall far less sudden, debased, and contemptible. Had she exhibited the superiority of her own institutions — raising her broad ægis over the liberties of man, recognizing throughout her code of civil regulations the dignity of human nature, and giving ample opportunity to individuals and states to participate in these advantages, it is not absurd to presume, that her progress to universal empire might even have been more rapid than it was in reality; especially if a similar peaceful course had been adopted by surrounding states, and the emulation excited had been not in reference to the keenness of their swords, but to the excellence of their laws; not to the production of the greatest amount of human misery, but to the consummation of individual happiness and national prosperity. Besides, we must recollect, that if one state was successful

in her warlike career, hundreds of others were overwhelmed by that very success — that in the beginning the chances against each were infinitely greater than those in its favor — that if Rome had failed, her name at most would have dimly glimmered among the thousands of cities known only by their downfall, and that, even prosperous as she was, the lot of humanity was by her very conquests rendered a cup of almost unmitigated bitterness.

Such are the lessons taught us by most of the events in ancient history. They show us the consequences of wars upon the very nations who have been most successful in their management. Even where they have been most favorable, they have proved but a species of deferred ruin. But although, in the opinion of many, wars may have been useful and even necessary among nations in ancient times, no one can think them so at the present day. The experience of the last few centuries will show that the contests, which in turn have converted the most fruitful fields of Europe into so many national sepulchres, have been productive of no lasting benefit to either belligerent. What have England and France to show for all their implacable hostilities? The plough of the husbandman obstructed by human bones*—the mouldering ruins of once flourishing

* It is said, that the battle-fields of the Low Countries are found to furnish an excellent manure, and that the husbandmen of England are importing the bones of their fathers and brothers, mingled with those of their foes and their horses, for the purpose of fattening their fields at home. Perhaps this should be reckoned as one of the useful effects of war.

cities — impoverished treasures, amounting almost to national bankruptcy — and nothing else. No augmentation of empire — no acquisition of advantages, individual or national — no emancipation from restraint, nor even from any rational gratification of revenge, so accurately have alternate defeat and victory been balanced; and probably such would be the case should they continue their practices of human destruction for three hundred years more. Charles the fifth, and his immediate successor, preserved for a while a forced and unnatural extension of the boundaries of Spain; yet how long was it before that monarchy was reduced to its original limits? The French revolution was a political hurricane, obliterating for a time the ancient landmarks of nations, and seeming almost to restore the elements of kingdoms to their original chaos; yet when the storm had subsided, societies and nations settled down, with little variations, into their original boundaries.

These facts show the inadequacy of war to the promotion of national aggrandizement. But the modern policy of Europe furnishes still stronger proof of its absurdity. It has before been observed, that the preservation of the balance of power was a subject which has for some time past occupied the closest attention of monarchs and statesmen. No state or kingdom will be allowed, hereafter, to make any important conquests, if the united strength of all Europe can prevent it. A fearful struggle with such a formidable array will probably prevent any future attempts at a forced extension of empire on that side

the Atlantic. With us, a disposition of that kind has never yet manifested itself, and from our circumstances never can. Extension of empire can never be the motive for the United States to engage in war, even were success within their grasp; and the other American nations are nearly in the same situation in that particular.

Nor have wars, undertaken for purposes of revenge, generally more to recommend them. They are no more successful in accomplishing their purposes. After a scene of mutual suffering and exhaustion, peace is concluded, on terms which might just as easily have been proposed and accepted before a single cottage had been consigned to conflagration, or a single infant made fatherless.

Wars are, therefore, altogether ineffectual for purposes of aggrandizement or revenge; and the only ground of their necessity or utility, which savors the least of reason is, that they serve as a means of arbitrament for contested questions of right. He must have a contemptible opinion of human intelligence and ingenuity, who can be made to believe that no better manner can be contrived for accomplishing the same object. Has not the wager of battle been superseded by more equitable and more reasonable tribunals; and can we suppose that an equally advantageous change cannot be adopted among nations? In the same degree as reason is superior to physical strength, as impartial justice is more worthy of confidence than blind accident — in that same proportion is the trial by a peaceable and

equitable tribunal to be preferred by reasonable beings to the trial by battle.

Now, although men are generally slow in perceiving the absurdities of customs with which they have been long familiar, still where a practice is so totally useless — so worse than useless — they will at length make the discovery. Their blindness as to the inconsistency of war with the dictates of reason, of humanity, and of religion, is already beginning to wear away, and the days of its continuance are numbered.

Thus far our eyes have been turned almost exclusively to the past. It was deemed expedient to take this retrospective survey, for the purpose of enabling us to judge of the probable events of the future. The history of mankind is a record of isolated, and in some respects fortuitous, experiments. By an attentive examination of these, we are sometimes enabled to judge of the laws which regulate the moral world of mankind. Without a similar scrutiny and comparison, Newton with all his philosophical sagacity, could never have discovered the great laws of physical nature. He compared together the observations of former philosophers — he generalized all their various details — he sought for some common explanation of all the numberless phenomena, and finally constructed from out the seeming chaos that sublime theory which enabled him to verify infallibly the philosophical history of the past, and to predict with certainty as to the events of the future. From the observed universal tendency of all bodies to the centre of the earth, he

finally drew the conclusion, that it resulted from a principle of attraction inherent in all matter. He then extended his views to other worlds, and inferred that the same attractive power, which caused the apple to fall and the stone to lie still, retained the planets in their orbits and wheeled their mighty revolutions. He made his computations accordingly; the result confirmed the suggestions of his sagacity. Now, it is not supposed that even if a mind like Newton's were to be exercised on the subject before us, the course of future events could be ascertained with the same unerring accuracy as that with which he calculated the future revolutions of the planetary worlds; but without any pretensions to extraordinary sagacity, we can safely draw certain general conclusions as to the great fundamental laws which preside over the nature of man, which regulate his movements, either in his individual or political capacity, and in many respects determine his destiny. We may infer that certain events, which have been in progress since the earliest ages, will move on and become complete — that when we see in individuals a universal propensity to associate into communities, and submit to the quiet dominion of law for the sake of peace and safety — when little communities manifest a similar tendency, and when nations have long been moving forward in a like career, we are justified in the conclusion, that it is in consequence of a law deep laid in the human constitution, adapted to this object, and with this very intent, — when in addition to all this, the many and great obstacles, which have

heretofore interposed a retarding effect, are disappearing or becoming surmounted, and other institutions and customs are daily springing up, tending directly to bring nations into one great social community; to make them lay aside their murderous practices and live hereafter like a united family,—well may we imagine the time to be at hand when war shall cease to devour all the wealth and happiness which peace and prosperity can accumulate.

But there was another object in turning our attention to the past. We are thereby not only enabled to predict with tolerable certainty that certain changes must take place in the condition of mankind, but the very manner in which we may assist and promote those alterations is thereby rendered more evident. It is time to enter directly upon this branch of the subject.

All the great and successful institutions for the improvement of mankind come into existence gradually, and are the work of slow experience. Genius may devise splendid projects, and array them in such a garb that they shall seem capable of bringing back the golden age at a single effort, but they are always found to be Utopian. They are not based upon the great principles of human nature; they are not fashioned by the careful hand of experience. The little chinks and crevices through which mischief will insinuate itself, which human wisdom could never anticipate, and which nothing but effectual experience could ever discover, will be so numerous and so considerable, as to render the whole fabric totally

unfit for the purpose of its erection. But where a system grows into existence gradually, imperfections will manifest themselves, while they are neither many nor important. They can be remedied, before they become formidable by accumulation. Moreover, the structure rising into existence gradually, will adapt itself in form and quality to the wants and necessities which call it into being, and which human sagacity could never have anticipated.

Even could a perfect system be coined entirely anew and at once — one that should possess all the highest qualities of human excellence, and be calculated to produce the most happy results, it would never be received. Mankind are unwilling to make any extensive and daring experiments on their immediate welfare, however promising and ingenious. They prefer groping their progress step by step, never adopting a new measure until its most important consequences can be pretty clearly determined.

Besides, no system is excellent absolutely and in itself. It must be adapted to the particular circumstances in which it is to exist. It must be in consonance with the public sentiment — such as is adapted to the particular existing stage of public intelligence and refinement, and for which the public mind is consequently prepared. Bodies politic, like those of individuals, must not too suddenly lay aside customs and practices however pernicious. Even liberty, the natural nutriment required by health, must be administered to the diseased patient cautiously and by slow degrees. The downfall of the monarchy in England

under Charles the first, and the first revolution in France, found the people unprepared for the enjoyment of freedom; and even could the most perfect system of a republican representative government have been firmly established, its existence could have been only ephemeral. The change from the polar frosts and darkness, to the full clear heat and brilliancy of the tropical sun, must be gradual or destructive; and thus, in all great political matters, revolutions, to be safe and beneficial, must be moderate.

But not only do the most valuable institutions grow to maturity by slow degrees, they are frequently cherished and brought forward almost unconsciously to their very authors. One object is frequently aimed at and another attained. Like the alchymists, whose search for the philosopher's stone resulted in the more valuable discovery of a useful science, the greatest benefactors of mankind have frequently been astonished at the very results they themselves have produced. They are not even aware of the principal object, until it is nearly accomplished. Still, perhaps, all their measures may have been taken which are the most directly calculated for its attainment. When Columbus sailed for the East Indies by a new path, nothing was farther from his expectation than to find another continent; yet, had the latter been his original object, he could not have proceeded more directly to its accomplishment.

This observation is much the more just, when made in reference to moral results, which are rarely the effects of accident. They are composed of a texture

of circumstances, arranged with the most strict and accurate correspondence with each other, and with the general tendency of all. Whatever is in accordance with any one of these, tends to promote the general object of the whole. Springing up from some great radical principle are innumerable ramifications, which, however various and distinct from each other they may seem, are all connected with the parent stem. Alighting on the most distant or most collateral of these, and tracing our way downward, we pass in succession its union with others, extending in a different direction, until we arrive at the common juncture of all into one great supporting and sustaining body; and although its discovery or existence might not at first have been suspected, still we now find we have taken the most direct and inevitable method of attaining it. Thus, when Edward the first applied to his House of Commons for their sanction to the levy of an increased tax, his object was to prevent the murmurs which their accumulated burdens were calculated to produce among the people. This circumstance was made a precedent, from which the Commons assumed the custom, and finally the exclusive right, of granting all supplies to the crown. Thence they have been enabled to rise to the highest grade in the scale of importance—to humble the haughty nobility—to confine an almost boundless regal authority within due limits—and, finally, to produce a system of government more perfect than any the world had ever before witnessed. A fortunate conjuncture of circumstances enabled some of the English colonies to make

a further advance in the same career; to lop away some of the superfluities and absurdities which had become inveterate in the parent government, and thus to establish a representative system, where all mankind are politically free and equal; as far removed from the despotism of an unqualified democracy, as from that of an hereditary tyrant. Now what connection had the conduct of Edward with such a result? What had all the efforts of resistance to regal usurpations to do with the freedom of the people of the United States? Seemingly nothing at all; and there is no probability that such a consequence ever suggested itself to one of the great advocates of popular rights; but, in combination with other circumstances, such was the natural tendency of every triumph on their part, or defeat of their lordly superiors.

Standing where we now do, and looking backwards, we can trace this connection. Not only so, we see thousands of other collateral circumstances conspiring to produce the same result. Every diminution of the royal prerogative, though originating in a spirit of rebellion; every extension of the power and importance of the people, though resulting from an ebullition of popular insubordination; every overthrow of ancient establishments, though the work of caprice and even of tyranny, cooperated in the accomplishment of the then unknown object; yet the character and extent of the influence they have exerted begins now to be more fully comprehended. We are now sensible that they were all great moving powers, urging forward the revolution from iron-handed

tyranny to an almost boundless liberty, the consummation of which we may, perhaps, consider ourselves the witnesses.

This same principle finds an application in the subject before us. A social compact of nations has for thousands of years been growing into existence. The final abolition of war, the substitution of a peaceful tribunal, although never dreamt of by those most active in the promotion of these measures, was the natural and final consequence of those very exertions. They labored for an object, the precise nature of which they did not comprehend, but which now begins to manifest itself more clearly.

The means taken to complete this revolution must be in strict accordance with the general principles which have thus far regulated its movement. It was by pursuing a similar course, that the effort to establish a popular government in the United States has proved so eminently successful. The method adopted was, to improve, not to overturn existing establishments; and the reason why the South American republics did not prove equally fortunate is, because they did not follow the same salutary and prudent rule. Our present efforts should, therefore, be, to continue and assist the present progress of events, rather than to change and interrupt. The smaller the innovation, the more readily will it be adopted, the greater the probability of success, and the less the disaster of a failure.

Permanent peace requires the establishment and efficient operation of laws, and this implies a govern-

ment. When in every department of human actions reason and justice assume the control, instead of force and accident, a high state of excellence may be said to have been attained. This, to a great extent, is the case at present with municipal affairs. Our object is to render it so with national affairs.

Not that any one entertains the chimerical idea of establishing a paramount authority over nations, with all the attributes of sovereign power, melting down kingdoms into one consolidated empire. This is neither necessary nor desirable; but we need simply a method of insuring justice between nations, as codes and courts of law do between individuals.

We have already seen that a code of national law is now in existence; that we possess, also, the means of enacting positive national statutes, and the power of enforcing the whole. It may be well to see exactly what parts of the system are defective, in order to be able to supply them.

First, with regard to the power of making laws. We have before observed, that a treaty between two or more states is as much a statute as though it had been enacted by a parliament or congress. In a moral point of view, they are even more obligatory. A municipal law is at best created by the will of a majority of those under its control. The minority, however respectable or reluctant, are obliged to submit. This results from the constitution of human society. General laws are more necessary than individual liberty; and this violence to the will of the few results, therefore, from necessity. But with nations

the case is different. Liberty, with them, is of more value than general laws. Jealous of their independence, they would rather suffer some inconveniences from the want of any pacific regulation, than that any one should be constrained to receive it. Few in number, their individual assent may be more readily obtained. With them, therefore, positive regulations are binding only on the assenting parties. An imperious majority does not attempt to lord it over an unconsenting minority. But when any number of them have assented to any particular regulation, it is clothed with all the sacredness, and all the inviolability, with which a law can possibly be arrayed. The armed neutrality in 1781, embracing almost all Christian nations except the English, was of this character. The agreement among most civilized states to consider the slave-trade piracy, is a positive, national statute; and multitudes of others occur in the history of mankind.

Whatever may be these different regulations, when once made, they become obligatory upon the assenting parties; and the general sanction of the law of nations is made the guaranty for their observance. Laws may, therefore, be binding upon one nation, which have no effect upon another, and still be enforced by the same general authority as ensures obedience to the common law of nations. It was thus with the municipal regulations of some of the barbarians. They were frequently personal, not territorial. The Franks, Burgundians and Romans, residing promiscuously in the same district, were respectively governed

by their own peculiar laws; and the general sanction of the sovereign power was employed to compel the requisite obedience.*

But not only are statutory laws known to the code of national jurisprudence, there is in effect a permanent legislature for their enactment. It has for a long time been the practice among enlightened nations to maintain ambassadors at the courts of each other. These are for the purpose of watching over the interests of their respective countries, and making every arrangement possible for their benefit. They therefore constitute a legislature of the great republic of nations; not collected in a single senate-house, but scattered and disseminated as the exigences of the case require.

The federal republic is thus provided with a permanent legislature of a general character; but on any critical and important occasion, a special congress is assembled, composed of delegates from all the nations interested. This system was first effectually introduced at the treaty of Westphalia, in 1648, which terminated the thirty years' war. Since that time, nearly fifty congresses have been held in Europe, in which most of the European nations were represented. Most of these have been for the final establishment of peace after some widely desolating war. If they had been called at the beginning, instead of the end of hostilities—to prevent rather than terminate them—what wretchedness might have been spared, and

* Montesquieu, Spirit of Laws, book 28, c. ii.

seemingly with how little ease! Such, or a similar change, is certainly not too great to be hoped for.

Whenever, in either of these methods, a general consent is obtained among the representatives of any number of nations, the act which has thus passed this branch of the legislature is presented to the treaty-making power of each particular state, which thus becomes a portion of the great national parliament, and whose sanction, when obtained, constitutes them valid, permanent laws. No state being thus bound but by its own consent, its rights are secure, its independence unimpaired.

With regard to the executive power, little need be said. It is left in the hands of the sovereigns of the respective nations who carry the laws into effect voluntarily, either out of respect to the opinions of mankind, or from apprehensions of the consequences of a refusal. Provided the effect can with certainty be relied on, the cause is a matter of little importance. And if the other departments can be rendered complete, if the necessary regulations can be made, and all doubtful points of law and fact can be clearly settled, there is little fear of any difficulty as to their execution.

The judicial department has not attained so high a degree of excellence as either of the others. Still for many essential purposes, it is in being, and generally recognized. Thus, if a foreigner owes one of our citizens a debt, he may be brought before the courts of any country where he may be found, and compelled to do justice to the creditor. If a crime be

committed by any person in any country, the courts of that country are competent to try him. It is true, the offence can be brought under the cognizance of the courts of no other country; but this incompetency is no greater than that of courts in different parts of the same government. In the United States, not only must the criminal be tried in the same state in which the offence was committed, but, in most instances, in the same county. It is true, that in this case, the perpetrator of any crime can be seized in any portion of the state, and criminals of any of the higher degrees may be followed into any of the other states, and brought before the appropriate tribunal for trial; but regulations, giving effect mutually to the criminal jurisprudence of independent states, exist in most civilized nations. From treaty, or from motives of courtesy, criminals of the more atrocious character are generally delivered up for punishment by the authorities of the state or kingdom to which they have fled from justice.

Again, there are other courts in almost every country, which are open to all, and where the decisions are guided almost exclusively by the law of nations. These are the prize or admiralty courts, which may in strictness be considered as a species of national tribunal, where even alien enemies may appear and demand justice. They are principally for the purpose of determining questions concerning prizes taken in war, and the courts of the captor's country are by common consent deemed the proper tribunals for this species of adjudication.

Thus we see, that so far as the individuals of different nations are considered, a judiciary already exists for the adjustment of their conflicting claims. The courts of the different countries are employed as international tribunals for these purposes. Scarce any case can now arise, in which ample justice cannot be dispensed by the tribunals already in existence; so that for these purposes there seems little need of a change.

But if the decision thus obtained in the country of one of the parties should produce dissatisfaction in that of the other, there should be some tribunal to which an appeal may be brought. Or, when disagreements spring up between nations themselves directly, there should be some court of competent authority to entertain jurisdiction thereof. These are the imperfections which call for a remedy.

Still it would not be true to assert, that none but warlike means had ever been resorted to, for the settlement of difficulties arising between nations themselves. Several instances are recorded in ancient as well as in modern history, of national disputes being submitted to some neutral arbitrator. "The Swiss," says Vattel, "have had the precaution, in all their alliances among themselves, and even with those they have contracted with the neighboring powers, to agree beforehand on the manner in which their disputes were to be submitted to arbitrators, in case they could not adjust them in an amicable manner. This wise precaution has not a little contributed to maintain the Helvetic republic in that flourishing state

which secures its liberty, and renders it respectable throughout Europe."* But the most recent, and perhaps the most remarkable, instance of this species of arbitration was that, wherein the misunderstanding arising a few years since between the United States and Great Britain, was referred to the decision of the king of the Netherlands. This amicable reference was generally strongly approved; and if the award be not eventually acquiesced in, it will be because the arbitrator did not confine himself to the question submitted for his consideration.

Are we not here furnished with the elements of the very system for which we are searching? If the policy and practice of the Swiss could be introduced into all nations — if the example, set by our country and Great Britain, could be universally followed — if a system could be generally introduced, of which these should serve as a species of model, would not our object, to a great, an almost entire degree, be thereby effected? This, in fact, seems to me the only safe and practicable course. It appears to embody, in a simple and practicable form, all the advantages of the so justly extolled trial by jury for the dispensation of justice between man and man, and to be in no greater degree objectionable.

A trial by our peers has, for a long time, been deemed highly important to the impartial distribution of justice. But when nations are the parties, who are the peers to sit in judgment? Neutral states cannot

* Vattel, book 2, ch. xviii, § 329.

be summoned as jurors, to act in their political capacity. The natural and necessary modification, in this case, seems to be, to take some of the authorities of the government as a representative of the nation, and to constitute them the jurors for the settlement of controverted questions.

But must twelve of these be collected, as in cases of individual litigation? This would evidently be impracticable. The institutions which have for a long time existed, with the happiest consequences in civil society, come highly recommended for adoption among nations. But, before adopting them, they should be modified in such a manner as to adapt themselves to the difference of circumstances. I should suppose, then, that, as in the case already referred to, a single arbitrator, and he the highest executive officer in some neutral state or kingdom, would be the most proper tribunal that could be selected for cases of this nature. This is not unlike a course which is frequently practised with success among individuals, by which the decision is left to a single arbitrator, instead of submitting it to a full jury.

In this case, too, it is proposed to submit the decision of law and fact to one and the same individual; and this, in the opinion of many, may be deemed opposed to the plainest principles of sound policy, and destructive of one of the greatest safeguards of liberty. But, if considered in relation to the change of circumstances, it will appear in perfect accordance with the most jealous maxims of civil liberty.

The reason why a judge is not allowed to decide

matters of fact in ordinary cases, is, in the first place, that he is a permanent magistrate, and would thereby be clothed with an undue degree of power; and, in the second place, that there could not be the same confidence in his honest impartiality, as in that of persons taken from the mass of the people, chosen only for the occasion, and to return among those very individuals for whom they have been engaged in the distribution of justice.

But the exposition of the law, which is not a matter of uncertain conjecture, but of almost mathematical calculation and certainty, is safely and properly entrusted to the judge, because he is possessed of the necessary learning and ability, and because he may so easily be detected and refuted, if he decides improperly. The decision of facts, being a matter of opinion, is entrusted to the honesty of twelve peers of the litigant parties.

But, if the jury were possessed of the necessary skill and learning, there would be no necessity for the expositions of the judge. The whole matter might be left to them entirely, and with perfect safety; and such is the course which, it is believed, may be pursued with regard to the national arbitrator. Should his office be made permanent, like that of a judge, the conferring of such extensive powers would have been altogether inadmissible; but being selected for the single occasion, and possessing the necessary skill and learning, there can be no reasonable objection to constituting him judge and jury for the decision of the entire question.

The elements, therefore, of an entire system of national jurisprudence are all in existence; and experience has, to a greater or less degree, tested their excellence. The other departments of a government over nations, so far as they are necessary to a thorough and peaceable distribution of justice, are also known and tried. Without the introduction, therefore, of any new and doubtful principle, little more is wanting, than to frame together the customs and institutions at present in existence into one entire, harmonious system, and obtain for it a general adoption. In this manner was the common law of England, as well as many of the provincial laws of France, at first introduced. Success has heretofore attended such a method of proceeding. It is not unreasonable to suppose, that like effects may again result from the same causes.

In accordance with these views, the following system has been faintly sketched, in the hope, that with the modifications and finishing touches which may be requisite, it may be instrumental in promoting our general object.

A permanent Congress forms one of the most natural and conspicuous features in the proposed system. It should be constituted of representatives from every independent state willing to embrace the proposition. Each state, whether weak or powerful, should have an equal representation; for the nice and sensitive jealousy of independent nations would revolt at any scheme not founded on perfect republican equality. The different members of this Congress

should be appointed in any manner, and for any length of time, their respective governments should think proper. Their sittings should be held at some place where the different representatives would be least likely to be exposed to undue influences.

That this system would possess advantages over that of retaining ambassadors at each others' courts, is evinced by the successful resort so often made of late to general congresses to settle all important matters. Affairs, which must in some degree concern all, can be better regulated by the wisdom and consent of all. It would, also, possess advantages over the practice of resorting to occasional congresses, since it would be always in session, ready to attend to matters of too small importance to call for a special convocation. Without, perhaps, dispensing with the necessity of either of the above methods of arranging national troubles, it would, for many purposes, combine the advantages of both.

As any government advances towards refinement and perfection, different powers, once lodged in the same hands, become separated and distributed. Thus, immediately after the expulsion of the Tarquins, the Roman consuls became a substitute for kings. They were magistrates, judges and military leaders. Experience, at length, taught the expediency of a division of these powers; and prætors, quæstors, ædiles, censors, dictators and even tribunes of the people, although in some respects they possessed powers not formerly exercised by consuls, still each became clothed with a portion of the former consular authority, while consuls

themselves were still continued. So, in the present case, the powers formerly exercised by ambassadors may, with advantage, be separated. The system of diplomacy by resident ambassadors may, for some purposes, still be continued. Special congresses may still be convoked for particular objects; while the general Congress may proceed to transact its appropriate business with better success than could possibly be done in any other manner.

But the most important advantage, which may be reasonably hoped to be obtained from this measure, will result from the understanding and agreement that national difficulties are to be submitted to this body for adjustment, as a matter of course. This will, therefore, be looked to, in the first place, as the natural source of redress. The opinions of impartial, disinterested men, the mediation of neutral states, may here be offered, without carrying the appearance of an unwarrantable intermeddling with the affairs of others. But, above all, this peaceable means may be resorted to, without being regarded as an evidence of fear or impotence, or without the least humiliation of national pride. On these accounts, it is believed, that such an institution would, without difficulty, be effectual, in the first instance, in preventing the effusion of blood. The decisions of this Congress would, probably, in most cases, meet with the sanction of all the parties interested, and thus prevent all farther difficulty.

The subjects which will naturally be brought before the notice of this Congress, will be, in the first

place, to discuss and establish general rules and principles of the law of nations; and, secondly, to examine and adjust, in an amicable manner, any issue, whether of law or fact, which may be joined between independent states. Its character, as it regards the former of these objects, will be legislative — as to the latter, judicial.

Disagreements as to the principles of national law have frequently been the fruitful causes of contention and bloodshed. The right claimed by one nation, to seize upon the persons of her own seamen found on board the ships of another, and the right of search as incident thereto, has not long since been the cause of hostilities between England and the United States. The questions, whether free ships make free goods— whether the trade of colonies shut in time of peace, can be opened in time of war — whether a whole coast can be declared in a state of blockade, without an adequate naval force, and many others of a like nature, have frequently threatened the most bloody consequences. The effectual settlement of all controverted questions of national law, of whatever nature, would be a long stride towards the establishment of everlasting peace; and I can conceive of nothing more calculated to fix and determine these controverted points, than a congress of dispassionate men, acting under the solemn conviction that they were fixing principles for all posterity.

But the most fruitful causes of national quarrels are generally of a more complicated nature, involving the

settlement of facts, as well as the establishment of legal principles. This action of the Congress will be of a judicial character. It would be well calculated for such a trust. The immediate representatives of the parties interested would probably be excluded from having a voice in any decision of the tribunal; and as fair and impartial a decision would thus be secured as could reasonably be expected under any circumstances.

As to the degree of authority which the decisions of this body should possess, I am clearly of the opinion that they ought to be valid only after receiving the sanction of the governments interested; thus being placed on a footing with treaties formed by ambassadors, or those entered into by the various congresses which have already existed. By making them irrevocable without a ratification, we should, at least, be taking a doubtful and untried step. We should do more—we should be erecting a paramount power, a sovereign authority, superior to the mightiest empires. To this they never would, they never ought to submit. Their sturdy independence would revolt at a subordination which would be altogether incompatible with the liberty and safety of nations. The cautious maxim should here more than elsewhere be pursued,—never to vest in any hands a power not absolutely necessary for the maintenance of order and a quiet government; and this is not of such a nature. A power of this description would soon erect itself into a tyranny, or dwindle into contempt. But such

can never be the case, so long as the power of a veto, so far as concerns itself, resides in every member of the confederacy.

It may be asked, What would be gained by the establishment of such a body with such powers? I answer, A very great advance would be made towards the introduction of permanent peace, not only for the reasons already given, but for another and perhaps still stronger.

The decisions of such a senate would produce a moral effect, in most cases altogether resistless. We all know what authority accompanies the opinion of any distinguished civilian or publicist on questions of national law. Still they are enforced by no visible sanction. The only force such opinions possess, results from the great moral power which reason, and virtue, and talents, will ever exert over mankind—even over those least experimentally acquainted with either. Now suppose a grave senate, who have devoted their time and talents to the consideration of questions of this nature, venerable by their years, renowned for their learning, revered for their probity, and, above all, regularly constituted by the voice of nations to examine and pronounce upon difficult and controverted questions, suppose them, after thorough and deliberate investigation, to deliver an opinion on any subject submitted for their examination; would it not come clothed with an overwhelming weight of authority?

In fact, mankind are much more governed by moral influence than is generally supposed. The

decisions of the English courts of justice possess with us almost as much weight of authority as those of our own state tribunals; but where is the obligation to respect them, further than they are declaratory of the great principles of reason and justice? If we scan the causes of human obedience to any of the requisitions of law, we shall find that force and severity enter for a very small share in the account. Nations are beginning to discover this truth. The rigidity of government is daily relaxing; punishments are mitigated, restraints removed, and men are allowed to follow in a greater degree the dictates of their own choice unrestrained, except by moral considerations.

In one point of view, the want of legal obligation to obedience will operate to give their decisions increased authority. Should such decisions be clearly incorrect or iniquitous, nothing short of absolute, resistless force would compel obedience, whatever might be the nominal parchment obligation. On the other hand, if they are clearly equitable, no coercion will be needed. Now the very fact, that acquiescence in their opinions is altogether dependent upon their intrinsic merit, will tend to render them upright. Interest and self-esteem will urge them to act according to the dictates of justice. Let them but acquire a celebrity for impartiality, and they will exert the strongest and highest possible authority.

Whenever any general statute has passed the Congress, any great legal principle settled, or any general treaty made, that is to say, in any case where its action has been strictly legislative, the veto of any of

the confederate states should be conclusive, so far as concerned itself. But where its action was judicial—where it related to the matter in controversy between any of the confederate nations which might otherwise eventuate in hostilities—a peaceable termination must, at all events, be secured. The rejection of the decision of the Congress should only be by appealing to some other tribunal. The constitution of this court of appeals will be the next subject of consideration.

In pursuance of the views with which our system was commenced, we shall endeavor to complete it, by incorporating and arranging the customs and institutions already found in existence, rather than by a resort to experiments, however ingenious. This, as well as the dictates of natural reason, causes us to turn our eyes to the highest executive officer of some independent state, as the most safe and natural tribunal of dernier resort. Whether his country was a member of the confederacy or not, should make no difference for this purpose; and his decision should be finally and irrevocably obligatory.

With regard to the manner in which he is to be selected, it is probable the parties themselves might fix on the individual by mutual consent. But, if this cannot be done, there should be such means provided, that a choice will infallibly be made. Perhaps something like the method of drawing jurors, giving each party a qualified right of challenging, might be unobjectionable; but it is unnecessary in this Essay to enter into these details.

Nothing should be done to prevent the parties

themselves from enjoying entire liberty to make an amicable arrangement at any stage of the proceedings, either by a final settlement between themselves, or by referring it to any individual or set of individuals, upon whom they can agree. A peaceable settlement, in one way or another, is all that is sought for. Let legalized murder be banished from the world, and the more liberty we can leave in the possession of nations, the better.

It will naturally be asked, What provision is to be made for carrying any final decision into effect? I answer, None at all will be necessary. Let it be considered in the light of a treaty, guaranteed by the general sanction of the law of nations, and then where is the state that will be sufficiently reckless to disregard it? When a treaty is made, embracing several states, it is not unusual for some of the most powerful of these to guarantee its observance, as was done by France and Sweden, at the peace of Westphalia. If it be deemed necessary, let all the high contracting parties guarantee obedience to every final decision. No new principle will thereby be introduced. Perhaps no special provision will, on that account, be necessary, the whole being left to the option of the different members of the confederacy. As is the case in all treaties, each party would have the right to compel obedience.

As a security against the usurpation of the more powerful members of the confederacy, any state should be allowed to withdraw from the compact at pleasure. But by so doing, it should not be able to

annul a decision regularly made against it. I would even be in favor of going so far as to allow of such secession at any time previous to the final submission to the arbitrator. It will be more easy and safe to add to the powers of the union afterwards, than to diminish them. If this be an error, it is on the side of liberty.

Such are the outlines of a system, which, with all due diffidence, and with the sincere hope that it may prove instrumental in promoting the desired object, I submit to the consideration of mankind.

It would have been no difficult matter to have proposed a plan whose energy would have satisfied the strongest advocate of an iron government; but this would have been destructive of national independence, were it not for the fact, that it could never have obtained an adoption. Nor would it have required greater political sagacity, to have sketched a system possessing so little power and restraint, as to be altogether unobjectionable to the most jealous ultra-liberal in matters of politics; but this might not have produced the desired effect. To adopt a middle course, or rather one which should avoid the objections, and secure the advantages of both,—to produce order, without the instrumentality of galling restraint,—to ensure peace, without endangering liberty, has been the great object held constantly and prominently in view; with what effect it remains to be determined.

The measure here proposed, can be adopted without the least danger; and this constitutes its strongest recommendation, and is, in fact, a quality of indis-

pensable importance. Above all things, we must avoid proceeding too fast and too far. In the case of individuals, the object was the establishment of order at whatever price. Any government, however despotic, was preferable to unrestrained licentiousness. They, accordingly, at first adopted the most simple in form, and in one shape or other established absolute tyrannies, placing all their liberties at the absolute disposal of the government, and merely for the sake of securing safety and quiet. From that time, there has been a struggle on the part of the many to obtain a restoration of that freedom, the exercise of which is not incompatible with good order, and the necessary energy of civil government. They have been proceeding most triumphantly in this career for the last century, and are daily discovering that much less governmental coercion is necessary than had always been before imagined. When men can be left to the undisturbed possession of their own property, and the exercise of their own wills, unawed by power, unassisted by favor,—when every grievance meets with its appropriate and peaceable redress, and every right its ready acknowledgment and support,—when all this is done, with the least possible intermeddling with our natural freedom, we may conclude we have attained the perfection of civil government. Towards this state mankind, in their individual capacity, have for a long time been progressing by a sort of retrograde movement.

Nations are approaching the same point, but from a contrary direction, and by a direct advance. Their

object, too, has been the establishment of civil order and rational quiet. Not having been impelled by the same urgent necessity as individuals, they have proceeded with the most cautious and deliberate circumspection. Separated from each other by distance and natural boundaries, less exposed to the immediate inconveniences of continual jars and conflicts, the preservation of independence was of greater importance than that of peace; and, accordingly, the former has been sustained at the expense of much of the latter. Individuals have made an acquisition in favor of rational liberty, whenever they have succeeded in throwing off a restraint, without affecting the stability of useful existing establishments,—nations, when they have introduced a wholesome restraint, without compromising their substantial liberties. The two are approaching the same line from opposite sides. The great object of the one should, therefore, be, to avoid overstepping it on the side of licentiousness; of the other, on that of tyranny.

Nothing of this kind need be dreaded from the measure herein proposed. The liberties of the contracting parties cannot be in the least degree endangered. No paramount sovereignty will be thereby created; for the Congress is the instrument of the states themselves, every legislative act of which can be finally and effectually rejected by any state, and every judicial decision freely appealed from. The umpire who is to decide in the last resort, is an individual chosen for the special occasion, clothed with no controlling authority, and never able on account of

his office to acquire any sovereign ascendency. In fact, no greater power is lodged in the hands of any individual, than has long before been in existence, without danger or disparagement to perfect national independence. The Congress will possess no greater authority than has frequently been vested in the representative assemblages of nations; none greater than is perpetually exercised by ambassadors. The powers of the umpire will be similar to those conferred upon the king of the Netherlands on the occasion already referred to, which would certainly create no very just apprehensions.

But the great and efficient safeguard of national independence consists in the provision, that any member can at pleasure annul the obligation which binds it to the confederacy. Without this provision, no national compact of this nature can be safe, and with it none can be very dangerous. Consequences the most disastrous may be developed by time, not dreamt of in the beginning, which would render a provision of this nature indispensable to the political safety of some of the contracting parties; but, whatever may be the power of the Congress, or the umpire, no settled, deliberate system of injustice or oppression can be matured and perfected, while the intended victim itself is thus armed with power to arrest it effectually. No detriment can, therefore, arise from this source to national independence; no daring innovation is made upon existing establishments, no reckless experiment unauthorized by the success of previous experience.

Not only is this scheme safe, if adopted, and indulged with a fair and full trial, but it promises to prove effectual. It furnishes the means of improving the law of nations — of establishing any of its unsettled principles — of enacting new regulations — and, finally, of adjusting, in an amicable manner, any misunderstanding which may arise from among the multifarious transactions of a busy, bustling world. If this can be accomplished, nothing more will be necessary. And is it extravagant to suppose that something, similar in kind and character to the design here sketched, may be perfected and adopted, which will render a recourse to arms a thing almost unknown from that time forth for ever?

It will be thought by many, that this system will prove defective, from a want of intrinsic strength; that what we have deemed one of its most necessary features will prove its greatest objection; and that, instead of permitting free power of separation, some binding force should have been created, to hold the different parts indissolubly united. We shall be asked, What is to prevent an instantaneous and total dissolution? We reply, What is there to hold the rocks on the earth's surface, or the earth herself in her orbit? They will tell us, inherent attraction — the constant and powerful action of the force of gravity. Even of such a nature is the power on which reliance is placed for the permanence of our contemplated system; — upon a principle of moral gravitation, a great centripetal force, tending to draw men and nations into permanent union, and which it will

require the most repulsive and unnatural violence to neutralize and counteract.

Does not the whole history of the world sufficiently demonstrate the existence of this power? It is true, we cannot see it, we cannot handle it, we cannot even measure it; but can we not see its effects on all sides of us? And can we doubt its existence, any more than that of material attraction? Have not individuals been thereby collected into communities, communities into nations, and nations even already into a sort of imperfect republic? Has not all this been done, in spite of many formidable obstacles; and if the system can be once completed, will not this power, which was sufficient to call it into being, preserve it, unless torn asunder by some extraordinary violence? It will not, therefore, be necessary to bring in extraneous force to bind, but to avoid whatever would dissolve. If left entirely to itself, unassisted, undisturbed, it will, from the principles of its nature, be permanent.

While the law of material attraction is continued, the earth needs no iron bands to hold her parts in quiet contact, no constraining force to confine her spontaneous movements in her orbit, lest, regardless of her allegiance, she should break loose from her union with the solar system, and launch forth on some comet track of reckless independence. But once destroy this law, and all the exertions of human power and ingenuity could not for a moment retain her in her path, nor preserve her most solid substance from immediate dissolution.

Again, while the physical elements are permitted,

unimpeded, to obey the simple laws of their nature, the mightiest planets assume the form and structure of lasting stability. Not only the firm earth and the solid rocks, but the liquid and inconstant ocean, the elastic and fickle air, assume a position of general and permanent quiet. It is true, earthquakes sometimes convulse whole continents; but they spontaneously return to their former quiescence. Storms and hurricanes arouse the tumult and uproar of the more changeful and turbulent elements; but a calm soon restores them to their original obedience. But when men venture to disregard, or attempt to counteract, these simple laws, when by means of external force they undertake to dispense with the principle of internal attraction, or to baffle the general gravitating energy of the universe, they raise a pigmy structure of a few hundred feet, and it crushes with its own weight. They attempt to confine the natural current of the puny stream — it soon swells and overleaps the obstacle; and if this be sufficiently magnified, the accumulated flood gathers resistless strength, overturns the impotent barrier, and, exasperated by restraint, sweeps through the country below, with an inundation destructive in proportion to its former confinement.

Now I would not wish to have it inferred from what has been said, that no artificial regulations of government should modify and even constrain the natural freedom of mankind, any more than I would disapprove the erection of dikes and edifices because they required a departure from the free operation of the laws of physical nature; but I would draw the

conclusion, that more reliance might safely be placed on the unconstrained action of natural causes and principles than is generally supposed — that, if we are seeking for stability and permanence, we should as much as possible allow all things to remain in their state of natural level and equilibrium — that every constraint upon this order of nature implies violence, and this, when sufficiently aggravated, produces convulsion and disaster.

I know very well these ideas are very different from those once entertained, and which are not even yet grown entirely obsolete. In every department of human life, the system of physical restraints has been introduced, and deemed alone worthy of reliance; since it rendered the relation between cause and effect visible and comprehensible. The laws of physical or moral nature — because their operations could not be traced — if not regarded as the mere guidings of accident, have not, at least, been confided in as the unerring statutes of an infallible lawgiver. Their efficacy, even in the most ordinary operations, has been generally distrusted. Drugs and nostrums have been administered to regulate the most simple of the animal functions, and to ward off the dangers apprehended from the uncontrolled action of those laws which have been established to preside over the human system; as if the great Architect of nature required the aid of human quacks, to preserve the healthful operation of those machines where he has manifested his most wonderful skill.

Nor have the laws of moral nature met with more

implicit confidence. In civil government, their least indulgence has been deemed altogether inadmissible. Legal enactments have been thought necessary to regulate and direct every act of human life. At each step in the civil and criminal code of all nations, we have been met by arbitrary restraints, and sanguinary punishments; as though no virtue could be practised, but in obedience to human behests, and no vice abstained from, unless from fear of corporeal torture. Arbitrary restraints have been introduced for the regulation of commerce, of the mechanic arts, and even of the most ordinary transactions between man and man. The civil authority has even stretched its jurisdiction over the consciences of men, and impiously presumed to interpose between man and his Maker; and thus a species of legal empiricism has crept into the administration of every department of civil government.

Similar notions found their way into the political world. Sheer force has been deemed the only power upon which reliance could or need be placed, to preserve the political existence of communities or empires. In accordance therewith, have tyrants reigned and slaves obeyed, with mutual fear and trembling. States, united by congenial affinity, have been rent asunder, and forced into the most unnatural combinations. Provinces have been hewn off from the parent stock, and all reluctant and bleeding been, by force, incorporated with the dominions of an hereditary enemy; and even individuals, as fixtures to the soil, have been transferred from hand to hand; and

no other principle than that of force seems to have been conceived capable of retaining their allegiance. These ideas had become so prevalent, had been so generally received and taught, and the practice thence resulting had become so universal, that they were regarded as unquestionable. The simple operation of natural laws had been so thoroughly impeded and concealed, that their existence was hardly recognized; at least their efficacy was universally distrusted. Perhaps, had it been practicable, men would have proceeded to still greater extremities, in their distrust of the efficacy of natural laws. They might have made an effort to chain down the stones to the surface, or bridged over the ocean, or confined the winds, or attached a halser to the sun, to restrain the license of the earth's eccentricity.

But all such narrow and distrustful notions are gradually vanishing. We are beginning to discover that there are permanent laws established by the Framer of worlds, whose unassisted exercise is in most cases abundantly efficacious; that the necessity of human interference is not for the purpose of remedying their imperfections, but of removing impediments to their unrestrained action. The bodily functions are beginning to be left to their natural operation. Freedom of individual action is, in many, if not in most particulars, permitted. In the transactions between man and man, it is daily rendered more evident, that the suppression and prevention of iniquity are almost the only objects which call for the exercise of law — that the administration of justice does not demand the

restraint of any substantial individual liberty, requiring neither the exercise of absolute control, on the one hand, nor of passive obedience, on the other — that the people may be their own sovereigns — that thus a government may be formed, requiring no extraneous force to propel, no hereditary pilot to direct; but that it may be a self-propelling machine, guided by its own intuitive reason, moved by the spontaneous exercise of its own volition.

We are beginning, also, to discover that patriotism does not result from constraint — that men are not members of the social compact merely from compulsion — that the magnitude of an empire which can be preserved in quiet obedience, is not to be determined by the strength of the bolts and bands that will hold together a heterogeneous and mutually repulsive mass — that relations, permanent as time, may exist between individuals, and empires, without the least external appearance of coercion — that constraint, under such circumstances, counteracts its own object by distorting the form resulting from natural equilibrium, the only position of permanent quiet; and that, instead of the prescriptions of political mountebanks, heretofore so generally received, the true secret of preserving the body politic in a state of health and vigor, is to leave it to the undisturbed action of the laws of its own nature.

The dangers, also, which were once apprehended from general religious toleration — from entire freedom of trade and commerce — from a general license to follow any honest calling by an honest path, are no

longer dreaded. The dissolution of communities and empires, which it was once thought would result from the relaxation of the strict laws intended to bind them together, is not so generally apprehended. Other laws are discovered to be in existence, whose binding force is infinitely greater, though their galling restraint is infinitely less, for God himself has framed and established them.

Remove every external hindrance to emigration, and who thence anticipates the dissolution of even the worst government on earth? So much are men bound to the homes of their birth, to the friends of their early years, to the communities of their kindred blood, to the country with whose language and whose laws, however tyrannical, they have been long familiar, that to break asunder all these ties, and become launched into a foreign, unknown, untried land, requires a force almost like that which would hurl an integral portion of the earth beyond the sphere of her attraction. And if a nation had been drawn by the force of natural attraction into a system like that herein sketched, and which has long been in a state of spontaneous formation, without the exertion of some powerful and unnatural centrifugal force, it would remain as unshaken in its alliance, as the orbs which encircle the sun. But once dissolve this gravitating principle, and all the attempts to preserve the integrity of the confederacy by force would be like the flaxen bands with which the maniac would attempt to confine a raging flame, increasing the very conflagration they impotently attempt to extinguish.

While indulging in such reflections, a grand social system rises majestically before the delighted imagination. The elemental chaos seems arranging itself into definite shapes, the general confusion is giving place to order, and a moral universe appears just springing into form, and being, and perfection. Great Father of nature! Is it a delusion of the youthful fancy; or hast thou, from the creation of the world, established the laws whose slow but continual action is at length producing this mighty creation? Hast thou given existence to the spirit of life, which is but waiting the completion of the corporeal frame, to enter, and quicken, and preserve from dissolution? Shall nations soon commence revolving, without jar or collision, around the great sun and centre of their common attraction, which is on all sides dispensing light, and peace, and happiness; while each of those nations, like so many mighty planets, is internally assuming the form and structure best calculated to secure its future stability? It may be an illusion; but I hope it will last for ever. I would fain continue my confidence in the doctrine of human perfectibility. I would gladly preserve the belief, that the world is hereafter continually to become more wise, more happy, more free.

Having exhibited an outline of a system for introducing and securing permanent national quiet, together with some reasons in its favor which most naturally suggested themselves, it may not be amiss to compare this design with some others of a somewhat similar character which have already existed.

Several permanent confederacies among independent states are recorded in history, which, although they have not sometimes possessed the durability, nor been productive of all the benefits intended, will each serve as a guide or a beacon.

The first of these of any considerable importance, of which we have any authentic account, is the Grecian confederacy, with the Amphictyonic Council at its head. It was composed of twelve of the most considerable states of Greece, which before that time were each as independent as any of the modern nations of the earth. In fact, their social relations with each other had not attained a stage nearly so much advanced as exists among modern kingdoms. Commerce had not given rise to such friendly and familiar intercourse. They were not as free from little bickerings and jealousies. They had not a system of international law, which, in point of excellence, could be compared with ours; and they had not, in other respects, advanced so far in the formation of a national, social compact. The objects of the confederacy were to preserve internal quiet, and resist external violence. The first step in this undertaking was the establishment of a law of nations among the independent states, and to provide for the pacific adjustment of the internal troubles which might be expected to arise. The Council of Amphictyons was established for this purpose, composed of two deputies from each individual state of the confederacy. They had power to enact general laws, to declare war, make peace, form alliances, and

to compose internal dissensions. For this purpose, where persuasion was ineffectual, they might employ coercion. Their decisions were enforced by a pecuniary fine, which was doubled unless paid within a given time; and if submission was then refused, the whole confederacy were bound to take up arms to compel obedience.

The Lycian confederacy was composed of twenty-seven cities of the province of Lycia in Asia Minor. Each was entitled to a voice in the common council in proportion to its importance; the larger cities having three votes, those next in size two, and the smaller, one; and the public burdens were distributed in the same ratio. The different cities had each its own magistrates, and regulated its own domestic concerns at pleasure. The general government had nearly the same powers as the Amphictyonic Council. It was deemed by Montesquieu the model of a federal republic.* They had few written laws, but were governed principally by customs. The union existed for a long time, until, at length, it was overwhelmed by the spread of Roman power.

The Achæan League was composed of all the principal cities of Greece, and is subsequent in date to the Amphictyonic Council. They had a common congress, in which every state was equally represented. The powers and objects of the confederacy were similar to those above described. The paramount government, however, seems to have engrossed more

* Spirit of Laws, book 7, c. iii.

of the attributes of sovereignty; for when Lacedemon entered the League, she was obliged to renounce the institutions of Lycurgus, which had been retained unquestioned during her membership to the Amphictyonic confederacy.

Similar political associations are well known in the history of modern nations, the most remarkable of which are the Germanic, the Helvetic, the Hanseatic, and the Dutch confederacies.

The German empire sprung from the feudal system, and once consisted of several hundred states, in most respects independent and sovereign. By the usual process of aggregation, the number has now become reduced to thirty-eight. In addition to the powers exercised by the confederacies already mentioned, it had a federal judiciary, an executive head, and the right of levying taxes. Any member might be put to the ban of the empire for disobedience, by which the party was degraded from his sovereign rights, and his possessions forfeited. This was much more nearly approximated to a consolidated government than any of the others already considered. The members of the confederacy were prohibited from entering into compacts prejudicial to the empire—from imposing tolls and duties on their mutual intercourse, without the consent of the emperor and diet—from altering the value of money—from doing injustice to one another, and from affording assistance or retreat to the disturbers of the public peace. Subject to these loose conditions, they might individually contract alliances and levy war.

The situation of Germany was vastly changed by the arms of France at the time of the revolution. The empire, after an existence of nearly one thousand years, was overthrown, and the Confederation of the Rhine arose from its ruins. This lasted till the downfall of Napoleon, and was then succeeded by the Germanic Confederation. Although vast political changes were by these means produced in the condition of Germany, still these did not destroy the fundamental constitution of a confederacy of independent states united for the preservation of external and internal peace.

The Helvetic republic is at present composed of twenty-two Swiss cantons, each retaining its own particular structure of internal government. Of these, the greater portion have adopted democratic constitutions, one is a monarchy, and all the rest aristocracies. They have a general diet; but the union is less intimate, and bears less the characteristic stamp of sovereignty, than that of the Germanic confederation. They have no national coin, no common treasury, no national troops, no common tribunal.

Still, the concerns of the nation, both external and internal, are regulated by the national diet. The armies, the taxes, the alliances, the commercial and other treaties, the relations of peace and war, and the adjustment of domestic disturbances, all come, in some degree, under its general cognizance. Each canton is a sovereignty — an entire unit. It acts and is acted upon in its collective political capacity, and in none other. The diet holds its sessions every two years

successively, in the cantons of Berne, Zurich, and Lucerne. The governor of the canton where the diet is held, becomes a kind of temporary head for all Switzerland.

When a dispute arises among any of the cantons, there is a provision, that the parties to that dispute shall each choose four judges out of the neutral cantons, who, in case of disagreement, select an umpire. This tribunal, under an oath of impartiality, pronounces definitive sentence, which all the cantons are bound to enforce.

About the middle of the thirteenth century, a few cities of Germany formed themselves into a union for commercial purposes, and received the name of the Hanseatic League, or the confederacy of the Hanse towns. Their number increased, till it amounted to eighty-five. They had a regular government, managed by a diet or congress, which was clothed with most of the attributes of sovereignty. The declared object of the League was the protection of their commerce from pillage, principally from pirates; to guard and extend the foreign commerce of the allied cities, and, as far as practicable, to monopolize it; to manage the administration of justice within the confederacy; to prevent injustice, by public assemblies and courts of arbitration; and to maintain the rights and immunities received from princes, and, if possible, to increase and extend them.* This confederacy flourished for nearly four hundred years. It

* Encyclopædia Americana, title, *Hansa*.

increased amazingly in wealth and importance, and became one of the principal powers of Europe. It made war, and peace, and conquests. It made treaties, formed alliances, dethroned kings, and disposed of crowns. It had ships, and money, and soldiers. It exercised a judicial control over the members of the League, and it levied taxes and contributions to carry on any undertaking of a public nature. The operation of natural causes has now reduced this once formidable association to the four free cities of Hamburgh, Bremen, Lubeck, and Frankfort.

The United Netherlands, or the Dutch republic, was composed of seven provinces, of which Holland was the chief. The sovereign power was vested in a States General, where each province was equally represented. The members held their seats for different periods, some for life, some for six years, some for three years, some for one year, and others during pleasure. The executive chief magistrate was called a stadtholder, who at length became an hereditary prince.

Each of the provinces was of itself a confederation of lesser communities or cities, and on all important questions it was necessary that not only the different provinces, but even the very cities, should be unanimous. This provision was disregarded when the government felt itself sufficiently powerful, and rendered it nerveless when it was otherwise; and thus the government continually oscillated between impotence and tyranny. Nothing

but the most imminent danger could ever hold such a disjointed fabric united, and even this union must necessarily be temporary. With these qualifications, the powers of government were similar to most of those already mentioned.

In all these examples, which have thus received a cursory examination, there appears to be many shades of difference; but there is one great characteristic feature common to all. The control of the paramount authority was exercised over each of the component members in their corporate, collective capacity. They were all sovereignties over sovereigns. The only coercion was military force directed against an entire state. The pacific arm of the civil magistrate was not permitted to crush or chastise individual transgression or iniquity; so that the disobedience of a single individual might involve the whole state to which he belonged; and if then persisted in, the inevitable consequence was a civil war, or an annihilation of national authority. This is now generally deemed a cardinal and insuperable objection to any confederacy between independent states.

Another illustrious example of the union of several states into one nation, is to be found in our own country, where the imperfection just referred to has been effectually avoided. After the American colonies had cut loose the dependence which bound them to the parent state, they formed a confederation similar in many respects to those above considered. But the imbecility of the government soon began to manifest itself, and called imperiously for a remedy. A

general and energetic effort was made for the improvement of the most glaring defects in the system, which resulted in the establishment of our present constitution. By this, not only is there a union between the states considered as individuals, but there are bonds extending through the entire mass of the structure, for the purpose of securing an indissoluble permanence. The chief executive magistrate is elected by the people themselves; and every individual exerts, as nearly as practicable, an equal influence in that election. In the constitution of one of the two Houses of Congress, the distinct and equal sovereignty of the different states is recognized; but the other is the representative of the people themselves, as constituent portions of one great entire nation.

By the action of the judicial department, justice is brought directly home to each individual, instead of depending for its execution on his own more immediate state; and thus this most fruitful of all causes of disobedience and dissension, the rebellious pride of a subordinate sovereign conscious of the power to resist, is in a great degree avoided. These are unobjectionable, legitimate, effectual bonds of union, and give the distinct impress of nationality to the entire fabric; not depending upon a mere parchment regulation — not the forcible union of distinct and uncongenial parts by physical bolts and bands — but one resulting from the unmolested action of natural affinities, rendered permanent by a removal of the causes of convulsion — one where the independent, isolated masses are in some degree melted down —

where their elements are commingled, and thus the whole incorporated into an entire, indissoluble body.

From these examples we learn, that one of the greatest sources of civil discord which existed in former confederacies, and has been avoided in our own, arises from the manner of dispensing justice to individuals. Without any other institutions than those now existing, this evil can never exist in any alarming degree in the republic of nations. We have already observed, that the courts of justice of the different nations have long been used in some degree to distribute justice between the subjects of different governments, and have thus far become universal tribunals, where individual transgression meets with direct and immediate retribution. As far as practicable, this system should be extended, and thus the greatest probable cause of future misunderstandings annihilated. For I would not rely solely upon any engagement for permanent peace, into which nations may enter. It must result from the relations we establish between them, from the removal of the causes of collision, from the excellence of the pacific institutions introduced, and not from any formal treaties upon paper, that the sword of nations shall hereafter be permitted to rest undisturbed in its scabbard.

But we may be asked, if the experiment in the United States has proved so much superior to those of former republics, why not adopt it as a model, and introduce similar political institutions throughout into the republic of nations? We answer, in the first

place, because it would be impracticable. It requires a surrender of too great a portion of the sovereign authority of the different members to meet with adoption by independent nations. It calls for too intimate a union, to meet with a successful experiment by kingdoms and states so different in laws, manners, religion and intelligence, as those which now possess the earth. Something is required, which will not wound the most sensitive feeling of independence; something, that, while it unites all nations into one general system, will require no commingling of the constituent elements of its separate parts.

But another reason against such a constitution is, that it is altogether unnecessary; and we proceed upon the principle of making no change in existing establishments which is not absolutely required.

The evils above alluded to in former confederacies, resulted not as the necessary consequence of a system of allied sovereignties, but from the fact that the means used were incompatible with the end sought. The object was to form a nation; but the institutions introduced for that purpose were not national.

In politics, as in architecture, the strength and form of the structure must be adapted to the stress to which it is to be subjected; and if the fabric prove insufficient, it results from a violation of this principle, and does not demonstrate the impossibility of the undertaking, nor even a defect in the form or nature of the materials employed. There are two methods of preventing disaster; one, by giving strength to the edifice, the other by securing freedom from external

pressure and concussion; for, like the structure of the earth, when the union is simple and natural, there is no tendency to crush with its own weight.

Thus, if several nations were to enter into a treaty, that no one would molest any of the others in the peaceable pursuit of its legitimate avocations, this would require no political union whatever. The relations thereby established are altogether negative. The only existing obligation is that of justice; the only necessary caution is that of avoiding collision with the independent movements of other states, according to the terms of the compact.

But suppose them to proceed one step further—to enter into positive engagements, and form artificial relations with each other. This begins to put on something of the appearance of a union, and requires circumstances not called for in the former case. Then the compact was merely declaratory of the law of nature; and might, without fear of disaster, have been entered into by nations the very moral antipodes of each other. But the relations at present supposed can never be hoped to be long preserved in harmony, unless existing between states having a similarity of object, and interest, and feeling. Still, no visible connection is required; and in other respects the state of things is similar to that in the case first considered.

If, in addition to these stipulations, an effort be made to settle disagreements by some other arbiter than the sword, this requires the establishment of a peaceful tribunal of some form or other. A visible confed-

eracy is by this means established; a visible centre of attraction, and a visible connecting power, binding the whole into one great republic. Still, no necessity exists, calling for an intimate union of the independent parts. Each, without the least general detriment, can act as a perfectly independent being; the only obligation not existing in the former cases being that it will not mete out justice to itself, but submit its disputes as a nation to the decisions of some common tribunal.

But suppose their union be to sustain all the burdens of peace and war; if taxes and troops are to be levied; if one portion, by artificial regulations, is to be made the general recipient of public favor, and another is to be sacrificed and ruined, whenever the general benefit requires; the most intimate union becomes necessary. An energetic, central government must be created; the distinctive lines of separation between the different members must, if possible, be obliterated. Whatever would tend to arouse sectional pride or sectional animosity, must be obviated as much as possible, and every institution savoring of separate sectional sovereignty must be discouraged, or ruin will be the result. The nation must become a consolidated whole; its government must possess the attribute of power, and its laws be characterized by energy.

Independent nations are generally in one of the two stages first above supposed. The third is that to which we wish them to be brought, and which they are already, by degrees, spontaneously approaching. The fourth relates to the formation of a united nation,

whose object is not only the preservation of domestic peace, but the provision for external resistance and attack. It is only called for by the strong apprehension of frequent war; and, when carried to a sufficient extent, becomes a species of military organization, a despotism. If, with one of the former modes of organization, the powers of the latter were attempted to be exercised, the evil consequences thence resulting would not demonstrate the imperfection of the system adopted, but only its want of adaptation to the object sought thence to be accomplished.

An ignorance, or a disregard of these principles, produced the defects already noticed in most of the confederacies which have yet existed. Their object was not merely internal quiet, but resistance to external violence; and all the energetic measures which this necessity gives rise to, ought to have been provided for. Exposed to continual collisions from without, their situation required the unity of a nation, and they sought to form themselves into one. Externally, their object seemed to be accomplished; but there was no internal correspondence. The separate masses forming the fabric, having no sufficient cement, trembled beneath the shocks to which they were continually exposed.

The permanent, connecting bond, which can hold men united as a nation, does not consist in a mere parchment agreement, signed and sealed by the contracting parties, but in the very institutions of the country. A consciousness of nationality must be laid in the habits, manners, and early education of the

people, not in the formal compact of their governors. In the republics we have been at first considering, there is little to show the people that they constituted one united nation. The paramount congresses proceeded not from them, but from their immediate governments. Their love of country, their ideas of patriotism, centered in their own city or state. Rewards and punishments were visited upon them by their own immediate sovereigns; and a feeling of exclusive state pride was naturally engendered, which entirely prevented a spirit of nationality.

A wiser policy was pursued in the structure of the government of these United States, and the most of these objectionable features avoided. The internal institutions are, to a great extent, in strict accordance with the general purpose of the government. The separate sovereignties, if not intimately incorporated, are so welded together, that, for all external purposes, they form one united body. How intimate this union should be, and how far it actually does extend, is not precisely determined. If it be necessary to provide for the exercise of arbitrary acts of sovereignty, by the general government, every vestige of state independence cannot be too effectually annihilated. But, if none but mild measures are likely to be called for; if artificial restraint is little likely to be resorted to in any considerable degree; if the course of events is to be permitted to flow onward in nearly its natural channel; if measures, imposing burdens or dispensing favors to one section to a much greater extent than to the others, are not to be pursued, then the separate

existence of the individual members of the union may, to a greater extent, be safely permitted. The one of these two courses is productive of more physical strength, the other of more liberty. It is an object to retain as much of the latter, and to dispense with as much of the former, as can safely be done.

The necessary extent of this internal incorporation will depend upon the circumstances in which we are likely to be placed, and upon the objects we propose to attain. Were it probable that we should be frequently exposed to foreign wars, energetic measures would be demanded; strength would be the chief requisite. Were these never to be anticipated, the separate states might safely retain a greater portion of liberty. The intimacy of the internal union will, therefore, be necessarily apportioned to the amount of governmental coercion likely to be called for. If this were to be nothing at all, if each separate state were to be left entirely free, in the regulation of all its domestic affairs, and in all things which concerned the interests of its own citizens, there would be no necessity of any intermingling union at all; and such is precisely the nature of the confederacy intended to be established among nations. We wish not to produce an intimate union, but a social system of independent bodies; not the regulation of their internal concerns, but merely the prevention of external collisions.

The maxims derived from the evil consequences of forming confederacies of sovereignties do not, therefore, apply to a case like that now before us, but

merely regard the formation of a united nation. As a proof of this, we have only to instance the thousands of treaties which have been made and kept by independent states, without any of these disastrous consequences. Every compact of this kind is, to a greater or less extent, a confederation, and bears a much more striking analogy to the present undertaking than do any of the confederated republics which have passed under our review. They intermeddled not with the internal transactions of each other; they required no intimate intermixture. They were the elements of a general confederacy, growing thus spontaneously into existence; and naturally assuming by degrees the form and properties which can render it permanent, and the completion of which is the object of our present effort.

Another scheme, more general in its object than those above considered, and more assimilated in some respects to the design with which we are now occupied, deserves to be noticed. Although, owing to a most melancholy catastrophe, it was never reduced to practice, the character of the individuals engaged entitles it to our respect and consideration. I refer to the design of Henry the fourth, of France, to unite all Europe into one federal republic. The object of this great prince was to reduce the overgrown power of the house of Austria, and to provide for the future quiet of Christendom. In the prosecution of this object, all Europe was to be divided, as nearly as practicable, into fifteen equal subdivisions, constituting so many separate, independent sovereign-

ties. The fears and jealousies of these different powers were thus to be so balanced, that no one would have grounds of hope or apprehension from any future hostilities.

Six of these independent governments, France, Spain, Britain, Denmark, Sweden, and Lombardy, were to be hereditary monarchies. The Empire, the Papacy, Poland, Hungary and Bohemia, were to be elective monarchies; and the four others, comprising Venice, Italy, Switzerland and Belgium, were to be republics. There was to have been a senate, composed of members from each of the confederate states, which was to have been kept in continual session. The Amphictyonic Council was to have served for its model. It was to have deliberated upon the interests of all Europe, civil, political and religious, and to have decided all controversies, both among themselves and with their neighbors. The emperor, the pope, the kings of France, Spain, Denmark, England, Sweden, Lombardy, Poland, and the Venetian Republic, were each to have been represented in this general congress by four delegates; the other powers were to have had but two. The members of the senate were to have been elected or appointed by their respective governments once in three years; but whether they should meet in one or three different assemblies, whether their place of meeting should be fixed or ambulatory, was never determined.

Henry had not only conceived the design himself, but had obtained the countenance and consent of several of the powers interested. Among these were

the States General of the United Provinces, the landgrave of Hesse, the prince of Anhalt, all the protestants of Hungary, Bohemia, and Lower Austria, several of the princes and towns of Germany, and most of the Swiss cantons. Elizabeth of England was also associated in the scheme; but upon her death, her cautious and timid successor declined following out the bold system of policy she had commenced.

The king, at the time of his assassination, had adopted and almost matured a course of energetic preparations for this arduous undertaking. He had actually set on foot two armies, consisting of more than fifty thousand men, with forty pieces of cannon. Magazines and military stores were collected and deposited at proper places for facilitating the execution of the enterprise; and all was conducted in such a manner as not only to evince the strength necessary to success, but also to carry the evident appearance of justice, policy, and good faith.

Had not Henry fallen a prey to the dagger of a fanatic, it is impossible to say what would have been the consequences of his astonishing attempt. The state of Europe would, in all probability, have been widely different from what it is at present. Had his scheme proved successful, according to the intentions, or at least the professions, of its contrivers, it would probably have prevented the necessity of the present effort. As it is, however, we can only regard it as a splendid project, which, if it cannot teach us experimental wisdom by its practical operation, may at least

excite our emulation by its magnanimity, its bold and broad-spreading philanthropy.

But whatever may have been the merit of the design, under the circumstances existing at the time, it is unquestionably a model which it would be impracticable and unsafe to follow at the present day. It was a scheme founded in physical force, the only great revolutionary power then recognized or confided in. But Europe, since that time, has witnessed many a scene of bloody convulsion, and her liberties have not been thereby overwhelmed; and perhaps the humane violence then contemplated might have prevented more evil than it would have produced. Perhaps the great restorative principle of nature, political as well as physical, would have healed the wounds thereby inflicted, however deep; and the arbitrary and sudden separation of political bodies, which had been compacted by years and natural affinity, would not, perhaps, have produced the consequences that might have been expected to result from such mutilation. But, at the present day, to apply the political knife to the living, whole and healthful empires of the earth; to carve out by the edge of the sword a new system, regardless of the form and dimensions of present establishments, would be not only unnecessary, but would probably prove disastrous.

The present magnitude and boundaries of the great bodies politic which occupy the earth are the result of natural causes, and are, consequently, better adapted to use and permanence than any which the greatest human skill and wisdom could possibly form anew;

so superior is nature, in any of her departments, to the most refined operations of art.

But even could a more judicious subdivision of territory be suggested, how can it now be made? Where is the physical force that can effect it? Will any of the potentates of Europe, any of the republics of America, embark in such a stormy undertaking? Is there even one of all these who would not resist such an attempt? It is, therefore, fortunate for us, that nothing of this nature is now contemplated, nothing is called for, nothing is desirable. Our design is peace; and peaceable are all the measures by which we hope to attain it. The present institutions of the earth are of a form and structure more favorable to our enterprise than any which human ingenuity could possibly contrive, for they are better adapted to stability. We aim at no doubtful experiment. We shall create no political convulsion.

But, aside from the means of its establishment, the very constitution of the confederation proposed by the French king was highly objectionable. At that day, the voice of experience had not spoken as audibly as it has since done; and this is a sufficient excuse for the noxious principles incorporated into his system. As it was never carried into execution, as many of its features were never fully developed, we cannot examine it minutely, nor pronounce correctly upon its character in every particular. Enough, however, appears, to show that it embodied many of the defects which we have before observed with regard to other confederated republics, and perhaps some of greater

magnitude. The authority to be vested in the national council was too extensive to be compatible with the internal frame of the government. It was to have taken cognizance of the domestic concerns of the members of the confederacy; to have exerted a supervisory influence over their civil, political and religious condition; and still, to sustain the weight of all these powers of government, the fabric was to have been constituted of loose and independent parts, without any common bond of natural union running through, and connecting all into one body.

But there was another feature, more objectionable still. From what we are able to perceive, it would appear to have been the intention for the central government not only to have quieted international disturbances, but to have quelled internal commotions, forcibly, if necessary. This would have made it a species of Holy Alliance, of which we shall speak more at length hereafter.

However pure and benevolent, therefore, might have been the intentions of those who conceived the original design, powers were to have been conferred upon the central congress dangerous to general liberty. An accumulation of authority would have been produced, which would have been seized upon by some of the controlling powers of the confederacy, and wielded for purposes of tyranny; and besides, a great and almost insuperable obstacle would have been placed to the growth of liberty in any of the independent branches of the republic.

Institutions differing vastly from any of these con-

federacies, actual or contemplated, have grown familiar to civilized nations in modern times, much more akin to that now sought to be established, and which have been adopted as models for the present sketch to a much more considerable extent. These are the general congresses; of which, we have already remarked, about fifty have been held within the last two centuries. They have generally been convoked during the rage of extensive wars, to compose the dissensions; and rarely, if ever, when their professed wishes were sincere, have they failed in accomplishing their object. A course of policy has thus been springing into use, which, before men were conscious of its effect, has almost completed a tacit social compact, requiring only some slight improvement and a general recognition and adoption, to constitute the independent powers a united government, a democracy of nations.

Although a passing notice has already been given of these institutions, and nothing further was intended in this Essay, there have been some attempts to mature and digest them into a permanent system, which deserve a little more consideration. One of the most important of these is the Holy Alliance, to which allusion has already been made. It was first formed in the year 1815, between the emperors of Russia and Austria, and the king of Prussia. The kings of France and England afterwards joined the alliance in their individual, but not in their sovereign capacity, and several of the other potentates of Europe became successively members of the compact. By

the mutual stipulations into which they entered, it was agreed and declared, "that, in accordance with the gospel of Jesus Christ, the principles of justice, charity and peace should be the basis of their internal administration, and of their international relations; and that the happiness and religious welfare of their subjects should be their great object." Such was their pious pretence; and perhaps it was honest and sincere; but the natural consequences of the system, when it came to be reduced to practice, were baneful to liberty.

These consequences soon began to develop themselves. By the successive congresses between 1818 and 1822, held at Aix-la-Chapelle, at Carlesbad, at Troppau, at Laybach, and at Verona, the nature and design of the Holy Alliance came to be fully understood, and were openly promulgated. It appeared that it was an alliance of the sovereigns, not of the nations; entered into not so much for the purpose of composing international differences, as to suppress the dissemination of free principles. The right of interfering in the domestic concerns of any nation whose institutions were not approved by the allied sovereigns, and the determination to preserve at all hazards the political establishments of Europe in the condition in which they then stood, were among the leading and most objectionable features of the new policy; and their conduct was in accordance with their declarations. Energetic measures were adopted to suppress the first scintillations of a spirit of liberty, wherever they began to manifest themselves, but more especially in Germany and Sardinia. The violent overthrow of

a free government in Spain, by foreign intervention, was a measure concocted in one of these congresses, and was the natural offspring of this alliance of the legitimates against popular freedom.

But these very measures of precaution by monarchs evinced their apprehensions of popular danger; and, by the very means used to guard their authority, they gave the most unequivocal manifestations of their impotence. It was a last and desperate struggle to maintain their extravagant prerogatives, which even now has almost died away. The increasing spread of liberal principles has of late kept each monarch so much employed with his own concerns, as to leave him neither time nor ability to intermeddle with those of his neighbors. The Alliance has daily been regarded in a light more and more odious. England and France have entirely withdrawn from it. The recognition of the independence of Belgium shows, that they have departed from the principle of "legitimate stability." In many other particulars, also, it has been compelled by circumstances to abandon its original intent, until, at the present day, it can hardly be said to have existence at all; and thus an institution most alarming to liberty will soon be sought for only in history; serving as a beacon to warn mankind from like dangers in future.

The Congress of Panama was of a very different character from that just described, and was, in fact, intended in some degree as its antidote. The Holy Alliance had begun to cast its eyes across the ocean, with a view of restoring to Spain her lost dominion in

the new world; and the object of the American republics was to concert an organized resistance. Some of the South American states, distrustful of the intentions of Bolivar, who had first suggested the project, refused to appoint delegates; but representatives assembled from the republics of Colombia, Peru, Guatemala, and Mexico. In consequence of the friendly disposition manifested by our government, we received an invitation to become represented in the Congress. The request was complied with, and delegates sent; but before their arrival the Congress had adjourned. Since that time it has never again assembled.

The principal objects of the originators of this plan were to secure the independence, peace and safety of the young American republics; to guard against foreign invasion, and to obtain and preserve domestic quiet. But the United States entertained some additional designs, of a more broad and comprehensive character. They intended to obtain the recognition of certain principles of international law, which it had long been their endeavor to introduce; and to abolish certain usages of war, which were repugnant to the enlightened spirit of the age. For all these purposes, as well as to form a permanent bond of union against common dangers, to interpret treaties between the different republics, and to mediate in all disputes, it was contemplated to form a permanent council, to consist of representatives from all the associated members of the union.

As this design was thus abortive, we can only

speculate on its probable consequences, had it gone into successful operation. Nor are we able to judge of the precise nature of the association which would have been the result; nor the constitution and powers of the permanent council, whose office it would have been to forward the general object of the confederacy. In some respects, their object was different from that with which we are now occupied. The scope of their design was partial, ours is universal. They must have made arrangements to resist aggression from without; we shall only need to provide for the maintenance of quiet within. Their central Congress must, therefore, have been clothed with more extensive powers than that whose establishment we contemplate; since it was intended, not only to preside over the mild administration of peace, but over the violent and stormy strife of war.

In fixing upon the preceding constitution for the system by which the final adjustment of national disputes is to be attempted, all these establishments now recapitulated, and some others of minor consequence, were carefully considered. A serious endeavor was made to profit by each; and if the provisions of the sketch herein given were not thereby in all cases dictated, at least the suggestions of reason were thence powerfully corroborated. The most glaring imperfections of these different institutions were exhibited; so that we were enabled to avoid them. An attempt has been made to embody the excellences of all, so far as they are applicable to our present condition and object. To show, in some degree, in what manner

our conclusions have thence been drawn, was the purpose for which their hasty delineation was introduced into the present Essay.

But there was another reason for thus referring to them. All these, and the like projects, whatever may be their merit or practicability, demonstrate one great truth. They show that measures of this nature have been in contemplation, and have been favorably received. They are manifestations of the general sentiment with regard to the establishment of lasting quiet. They are evidences that our design will meet with a favorable acceptance. If, with all their imperfections, schemes for similar purposes have been approved and adopted, we may indulge the fullest confidence, that when a proposition, free from these objections, and promising more permanent and less doubtful advantages, shall be presented, it will meet with the readiest acceptance.

It is in a similar manner that men have advanced in the formation and perfecting of civil government. A disposition to govern themselves early manifested itself among mankind; and some of the first governments formed were unqualified democracies. From radical imperfections in their constitutions, these so generally terminated disastrously, eventuating usually in anarchy or despotism, that the belief became generally prevalent, that men were incapable of self-government. Undismayed, however, by this formidable array of opinion, many still entertained the belief that the calamitous results of former experiments were owing rather to unskilfulness in the architecture, than

to any incurable defect in the principle. Accordingly, a favorable conjuncture presenting itself, a modified species of democracy was devised, which, while it avoided the inconveniences experienced in former trials, was calculated to satisfy the wishes of the advocates of popular rights; and our own admirable constitution rose into being, rebuking the political prophets, whose object, in many instances, was to produce the very disaster they predicted. In like manner, confederacies for the preservation of peace have frequently heretofore been so unskilfully contrived, as to fail of accomplishing their object. Their imperfections have been gradually manifesting themselves in palpable form. They can be distinguished, and separated from the systems in which they have heretofore been incorporated; which being thus improved, all the advantages ever thence expected, may be attained, all the ill consequences ever dreaded, avoided.

If it be asked, how a system of this nature is to be introduced; we answer, in the same manner as other national and general projects have found their way into the world. The Holy Alliance was, as we have seen, at first adopted by three of the European powers; and, objectionable as it was, other members soon joined the compact. Had its design accorded with the spirit of the age, not a nation in Christendom would have withheld its concurrence.

The Congress of Panama was introduced to the world under similar auspices; and had it not been for some peculiar circumstances which then manifested them-

selves, a confederacy might there have been formed, which would have been the nucleus of a great system, embracing all the free nations of the earth. Let, then, the plan we propose be brought forward, under circumstances as favorable as these; and if its merits entitle it to patronage, it will soon meet with general adoption.

In fact, every great fundamental change in civil government, although brought forward under the sanction of kings and legislators, must, after all, depend for its eventual success upon grounds similar to those on which we rely. If they are in accordance with public sentiment, they succeed; if opposed to it, they fail.

The great change which took place in English jurisprudence, under the reign of Henry the second, by which the grand assize superseded the trial by battle, was a greater innovation upon existing establishments than is now contemplated; and yet not even the shadow of regal authority was in that case resorted to. Subjects were left entirely at their option which of the two remedies to adopt; and they almost universally, at once, chose the more reasonable. The same result might have been witnessed, had it been proposed and patronized by any other than a monarch.

But the circumstances in which we are now placed show, that such a scheme would not only be received, but that it is loudly demanded. The multiplication, of late, of institutions similar in character and object to the contemplated establishment, evinces a determination in mankind to improve their situation in this

particular. Suffering causes us to look around us for a remedy; and the multiplication of remedies, and the eagerness with which they are sought, determine the degree of consciousness of the evil, and the wish to remove it. If the most approved and salutary antidotes for national miseries can be collected and arranged into a system, it would require violence to prevent them from being seized upon, instead of artificial force to compel their adoption.

But a measure of this kind requires to be brought forward under the august patronage of some independent nation. The proposition must proceed from the sovereign authority in one country, and be addressed to and accepted by states and empires in their collective capacities; and how shall individual effort produce a result of this nature? We answer, The means for this purpose are already in existence. Here, as well as in most other cases which have been already considered, the undertaking looks formidable only at a distance. Upon a closer examination, we find all the materials and the machinery ready prepared to our hands; requiring only a slight exertion to wield them with resistless effect. The Peace Society is the great engine by which these results, of such apparent magnitude, are to be effected.

Whoever has been the least observant of the course of events in modern times, and especially within the last twenty years, must be sensible of the astonishing efficacy of these voluntary associations. We have seen the Colonization Society commence, and without any parade, or seemingly extraordinary effort, carry

into successful operation an undertaking, such as has sometimes unsuccessfully exerted all the energies of sovereign power, wielded by the most able and efficient hands. Whoever is conversant with the colonization of this continent will be sensible, in some degree, of the magnitude of the effort it required; yet the colony of Liberia, having greater and more formidable difficulties to cope with, has gone on vigorously and triumphantly, under the sole patronage of a seemingly insignificant society.

We have seen another association boldly undertake a still more arduous task; the overthrow of an inveterate custom. All the power of one of the most absolute of English monarchs was at one time vainly exerted to change a national custom, even with regard to the fashion of a shoe; with such obstinate tenacity do men persist in habits even of the most insignificant character, in which they have long indulged. But here was the daily use of ardent spirits—a custom having many things to recommend it in a social point of view—one which was generally believed to be not only useful, but necessary for a large class of the community—one, too, which had been persevered in, until it had produced a most loathsome moral disease, a cancer, which had fastened itself upon the very vitals of the body politic; yet this custom, with all its concomitants, thus inveterate, thus formidable and appalling, has been boldly encountered by a society of private individuals. And victory is fast crowning their efforts. Already do we begin to hail the coming emancipation of our own country. The badges of

thraldom are falling from the neck of the slave, and he breathes the air of moral freedom. The regenerating spirit has extended to other climes. A world feels its redeeming influence; a world owns its invigorating presence, and triumphs in its happy results. Where is all the force which has produced such wonderful effects? No kingly authority, no governmental coercion—these would have been impotent;—but the organized, united action of private citizens composing a temperance society.

The Bible, Missionary and Tract Societies, and many other like institutions, might also be instanced, if their results would have been much more than a seeming repetition of the energetic effects witnessed in the above examples. But there is one other association which deserves some notice; and this is the Peace Society itself. Already has it produced a powerful impression upon the public sentiment. Already has the attention of men of the highest powers of reflection and intelligence been thereby elicited to the subject, and always to the advantage of our cause. Already are some of the noblest names of modern times enrolled as the friends of the system we wish to establish. Already do we find our cause espoused by periodicals and public prints of the highest respectability, and bearing the impress of the first order of talent. Let the work go on. Let the principles of the Society be more widely disseminated, and more generally understood. Let talent, and philanthropy, and religion, be enlisted in our cause. Let the current of popular feeling be brought by degrees

to set in our favor, and what else will be wanting? Whenever public opinion is in favor of the measure we wish to introduce, it will not only be the duty but the interest of those who wield the powers of government, to exert themselves in its favor. They will then come forward as its patrons, and recommend its introduction to the public authorities of other countries. The influence of the Society having produced its effect there likewise, the same reasons which induced our government to recommend, will cause them to accept the proposition. All the American governments, together with England, and France, and probably all the weaker of the European powers, will be induced naturally, and without much difficulty, to become members of the compact, and thus the system will be begun. By its practical operation, it will recommend itself to the adoption of other nations; and thus it will, by degrees, extend and embrace the world.

An expectation of this nature is certainly not extravagant. The cause is not disproportioned to the effect. It is not here, as in the case of many of the other societies above referred to, where an entire new object was to be commenced and accomplished. We act merely in concurrence with the natural operation of events. We have not to propel, but merely to assist. We have not to originate an entire system, but only to accelerate its natural formation and progress; and our means are commensurate with the end we seek.

There are other means by which our efforts, as

individuals, can promote the great public object we have in view. We not only seek for the introduction of a pacific system, but we wish to render it effectual and permanent. As its adoption will not be the result of any single effort, but produced by the long continued operation of natural causes, bringing the public feeling to the proper state of preparation; so its continuance is not to be hoped from any compact, however sincerely made, or however solemnly ratified. The efficient causes of wars must be removed, if we would prevent their recurrence. These have been, to a considerable extent, considered in a previous part of this Essay. The various measures there referred to, as calculated to cause the introduction of the system of peace, will also tend, in an equal degree, to secure its stability. On both these accounts, they should receive our warmest support; and, as a society, we can do much. Especially would our exertions be usefully employed in suppressing, as much as possible, the warlike tastes and customs which are still in existence, by introducing, as far as practicable, a change in the course of public instruction, so that the ideas imbibed in earliest youth should not be replete with admiration of martial renown. Perhaps in no single particular would the efforts of the philanthropist be more beneficially exerted.

But there are many methods by which we can exert a collateral influence, scarcely less cogent than the most direct efforts. I shall mention only two, and those which seem of highest importance. One of these is the abolition of sanguinary punishments;

the taking of human life by public authority. I am glad the friends of humanity are beginning to make this one of the leading objects of their exertions. It seems to me to be intimately associated with the abolition of war. The doctrine, that the life of man is inviolable, that even governments have no moral right to take it away, unless in cases of extreme necessity; that, before they assent to that necessity, it is incumbent upon them to use every reasonable effort to dispense with a custom so abhorrent to nature and humanity, is directly calculated to produce a powerful feeling of opposition to legalized murder, in whatever shape. And when we have produced the belief, that such sanguinary measures are not called for, to preserve obedience to municipal regulations, how natural is the conviction, that neither do national affairs require a laceration of all the moral and generous feelings of the human heart!

And, besides, when such scenes of barbarism cease to be presented to the eye or the imagination; when the deliberate destruction of human life by legal authority shall be unknown, except in the history of more savage times; when the very possibility of such an event ceases to be a matter of consciousness; and when in civil life men have become familiar with the suppression of every offence without a resort to this system of blood; will they not the more quietly acquiesce in regulations by which the affairs of nations are adjusted upon similar principles?

Another object, for which it behoves the friends of peace to exert themselves, is the removal of individual

and national restraints. To render effectual a pacific institution, like that we now seek to establish, it is not only necessary to effect its introduction, but also to secure its perpetuity. Illiberal international regulations always create a feeling of hostility, which, when matured, results in bloodshed. One of the most celebrated of modern English statesmen* has remarked, that most of the wars which, within the last two centuries, have drained England of her best blood, and brought her to the very verge of national bankruptcy, have resulted from her exclusive laws with regard to commerce. Even in those cases where by common consent one nation has a right to restrain the privileges of others, its exercise creates an unfriendly feeling, whose final result has not unfrequently been an obstinate and exasperated war. Let, then, the doors of international commerce be opened widely as possible; let the citizens of all countries be permitted to mingle in freedom and friendship; let them, as nearly as practicable, be treated upon a footing of perfect equality; let the laws of each nation be regarded merely as the common guardians of justice to all within their jurisdiction, not as patents of monopoly, securing advantages to their own immediate citizens, to the exclusion of all the rest of mankind; and then shall national and hereditary animosities cease to exist. Then shall all the inhabitants of the earth regard themselves as one common people; the sword shall be turned into the ploughshare, and there shall be wars no more.

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* Mr. Huskisson.

The course originally contemplated in this Essay is now completed. We have taken a view of some of the institutions among mankind, both past and present, which were most relevant to the object before us. We have labored to show their connection therewith, to extract from the whole the elements of a system required by the most evident interests of humanity, and to point out the means by which its introduction was to be effected. We believe it to be practicable; we believe that some institution of this nature will, at no distant day, find an introduction among nations; and the holy feeling of exultation kindles at the very idea. We stand between the future and the past; the one all radiant with Elysian smiles, the other all odious with savage deformity. On the one side, we behold the Genius of Peace with her attendants, liberty and justice, wielding her sceptre over the arts and sciences, securing by her patronage the prosperity of nations, the welfare of individuals, and crowning the earth with blessings. On the other side, sits the Demon of War upon his throne of death, goring his jaws with slaughter, and draining his goblet of the tears of human wretchedness, while a fiendlike exultation is lighted up by the glare of a hundred conflagrations.

Monster! thy days are numbered! Thou shalt not for ever devour the choicest of the gifts of Heaven. The flesh of human victims, offered by kindred hands, shall not hereafter be piled upon thy altars, in a vain effort to glut thy insatiable voracity, or appease thy relentless rage. Thine eyes shall not always be

greeted with the sight of havoc and wretchedness, nor thine ears saluted with the welcome cries of expiring innocence, as, houseless and starving, it flies from thy terrific approach!

Death shall hereafter work alone and single-handed, unaided by his most terrible auxiliary. The world shall repose in quiet. Far down the vista of futurity the tribes of human kind are seen mingling in fraternal harmony, wondering and shuddering as they read of former brutality, and exulting at their own more fortunate lot. They turn their grateful eyes upon us. Their countenances are not suffused with tears, nor streaked with kindred blood. We hear their voices; they are not swelling with tones of general wailing and despair. We look at their smiling fields, undevastated by the hand of rapine; they are waving with yellow harvests, or loaded with golden fruits; and their sunny pastures are filled with quiet herds, which have never known the wanton ravage of war. We turn to the peaceful homes where our infancy has been cradled; they stand undespoiled by the hand of the destroyer. The scenes where we indulged our childish sports have never been profaned by hostile feet; and the tall groves, where we performed our feats of schoolboy dexterity, have never been desecrated to obtain the implements of human destruction. Then our thoughts extend and embrace the land of our birth, the institutions and laws we so much venerate, and something whispers us they shall endure for ever; that all time shall witness their increasing perfection; that all nations shall copy from its example, and

derive interminable benefits from its influence; for war, the destroyer of every valuable institution, the great and sole cause of all national ruin, is soon to be seen no more for ever. And we say to ourselves, if we can assist in producing such an event, it will more than repay the unwearied efforts of a lifetime. Let all be animated by the same spirit, and the object which thus excites our enthusiasm will be no dream of the imagination!

ESSAY

ON A

CONGRESS OF NATIONS,

FOR THE ADJUSTMENT OF INTERNATIONAL DISPUTES, AND FOR THE PROMOTION OF UNIVERSAL PEACE, WITHOUT RESORT TO ARMS.

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ESSAY.

CHAPTER I.

HISTORICAL NOTICES.

THE proposition has been made by the friends of peace, that there should be a Congress of Nations, composed of delegates from all civilized states, and assembled for the purpose of promoting the great objects of national intercourse and peace. This proposition has met with considerable favor in the United States; and there can be no question, that it is richly deserving of a careful and candid consideration. We propose, as briefly as possible, to give our views on this interesting topic.

The idea of an international Congress is not altogether new. Henry IV, of France, conceived the project of forming a closer union of the European states, by means of such a body, which should have the authority to decide and settle all disputes arising among the members of it. At a later period, a French writer, by the name of Saint Pierre, renewed the topic. "He was for ever," says Voltaire, who prob-

ably had but little sympathy with such a proposition, "insisting on the project of a perpetual peace, and of a sort of parliament of Europe, which he called the European Diet." Although no permanent body of this kind has ever been formed, still it is worthy of notice, that the nations of Europe have frequently assembled together by means of their diplomatic agents, under such circumstances as to give to these assemblies the appearance and the name of congresses. The history of European congresses appears to begin with the diplomatic assemblies, held at the two towns of Munster and Osnabruck; but which, by the agreement of the parties concerned, formed but one congress. This Congress was first opened in December, 1644, and resulted in the treaty of Westphalia. From this period till 1713, there were no less than ten public conferences or congresses, held in different parts of Europe; the Congress of the Pyrenees, the Congress of Breda, which terminated the war between Great Britain on the one side, and the Netherlands, France, and Denmark on the other; the successive congresses of later periods at Aix-la-Chapelle, at Nimeguen, at Frankfort, at Ryswick, at Oliva, at Radzyn, Altona, and Carlowitz.

The assemblies of this kind subsequently held, between the years of 1713 and 1814, were twenty-two in number; the objects and results of some of which are noticed as follows in the concise account, drawn up in the Encyclopædia Americana:

"1. The war of the Spanish succession was ended by the Congress at Utrecht, to which France, England,

the States General, Savoy, the emperor, Portugal, Prussia, the pope, Venice, Genoa, the electorates of Mentz, Cologne, Treves, the Palatinate, Saxony, and Bavaria, together with Hanover and Lorraine, sent their plenipotentiaries in January, 1712, after France and Great Britain, in the preliminaries, settled October 8, 1711, had drawn the outlines of the peace, and had thus already decided, to a certain degree, the new relations which were to exist between the states. At Utrecht, also, French diplomacy succeeded in breaking the union of the powers interested, by a regulation that each of the allies should give in his demands separately. The dissensions between them increased when they saw that the negotiations of Great Britain were, for the most part, carried on in secret, and immediately with the court of Versailles. The result was eight separate treaties of peace, which France, Spain, England, Holland, Savoy and Portugal made with each other, between 1713 and 1715, leaving Austria and the empire to themselves. (See Utrecht, Peace of.) Since that time, the British, from their naval and commercial power, have taken the lead among the principal states, and the interest of England has determined the fate of the European system of a *balance of power*, as it is called. 2. The Congress of Baden, in June, 1714, was a mere act of form to change the peace concluded at Rastadt, by Eugene and Villars, in the name of the emperor and of France, and which rested upon the peace of Utrecht, into a peace of the empire, drawn up in Latin. 3. The Congress at Antwerp was also a consequence

of the peace of Utrecht. England there mediated between the emperor of Germany and the States General, and concluded the barrier treaty of November 15, 1715. 4. The Congress at Cambray, in 1722, was held to settle the disputes between the emperor, Spain, Savoy and Parma, with regard to the execution of the peace of Utrecht and the conditions of the quadruple alliance, England and France being mediators. But Philip V, of Spain, offended by the rejection of his daughter, who had been betrothed to Louis XV (in April, 1725), recalled his minister from Cambray, and concluded a peace with Austria, at Vienna, April 20, 1725, in which he became guarantee for the pragmatic sanction. The defensive alliance, soon after concluded between Austria and Spain, was followed by a counter-alliance between England, France, the United Provinces, Denmark, Sweden, Hesse-Cassel and Wolfenbuttel, formed at Herrnhausen. On the other hand, Russia, Prussia, and some German states, joined the alliance of Vienna. A general war appeared to be approaching, when Austria, by the temporary suspension of the company of Ostend, and Spain, by the treaty with England at the Pardo, opened the way for a reconciliation. 5. The Congress at Soissons, in June, 1728, was convened to effect a similar settlement between Austria, France, England and Spain; but the French minister, cardinal Fleury, succeeded in dividing Spain and Austria; and France, Spain and England formed a treaty of amity and mutual defence, at Seville, in 1729 (to which Holland acceded), in order to give law to

Austria. The Congress at Soissons was thus dissolved, and injured Austria took up arms. But the guarantee of the pragmatic sanction, which England and Holland undertook, induced the emperor, Charles VI, in 1731, to accept the conditions of the treaty of Seville. 6. The Congress at Aix-la-Chapelle, in April, 1748, in which France, Austria, England, Spain, Sardinia, Holland, Modena and Genoa took part, terminated the war of the Austrian succession by the peace of Aix-la-Chapelle, October 18, 1748. 7. The seven years' war between England and France was ended without a congress; but Austria, Saxony and Prussia concluded a peace at the Congress of Hubertsburg, February 15, 1763, the session having lasted from December, 1762. 8. The Congress at Teschen, in March, 1779, decided the dispute with regard to the Bavarian succession, by the mediation of France and Russia, between the contending powers, Austria and Prussia. The elector palatine, the elector of Saxony, and the duke of Deux-Ponts, sent their ministers, but not the elector of Bavaria, whose hereditary succession was the subject of negotiation. 9. Russia and Austria offered their mediation to France and England in the war of the American Revolution. Vienna was proposed for the place of meeting; but France refused the mediation; and when the Russian and Austrian ministers wished to take part, as mediators, in the Congress opened at Paris, in October, 1782, by the ministers of France, Spain, England, Holland and the United States, the preliminaries of peace were settled without their knowledge, November 30, 1782, and

January 20, 1783, also the definitive treaty of Versailles and of Paris, September 3, 1783, and that with Holland, May 20, 1784. 10. The disputes of Joseph II with the republic of Holland, relating to the opening of the Scheldt, and other subjects, in 1784, induced France to offer its mediation; and a congress was opened at Versailles, December 8, of the same year, by the French minister, count Vergennes, and the imperial and Dutch ministers. It ended with the treaty of Fontainebleau, November 8, 1785, by which the barrier treaty of 1715, and the treaty of Vienna, in 1731, were annulled, the boundaries of Flanders restored as they were in 1664, several strips of land yielded up to the emperor, and, as a compensation for his claims, a sum of 10,000,000 florins, of which France contributed 4,500,000, to prevent the congress from being dissolved. On the other hand, the Scheldt remained closed, and the emperor gave up the rest of his claims."

It is unnecessary to extend this enumeration. It is sufficient to say, that congresses, embracing a greater or less number of the states of Europe, have been repeated at short intervals from the last mentioned period, down to the present time. Wars have been terminated by them; conflicting jurisdictions have been settled; boundaries have been ascertained; commercial conventions have been formed; and in various ways the interests of friendly intercourse and of peace have been promoted. About the year 1825, a proposition was made by the then republic of Colombia to the other republics of North and South

America, to unite in the formation of an international Congress to be assembled at Panama. The proposition excited much interest, both from its novel character and in view of the important results which it might by possibility lead to. It was accepted by the government of the United States; but, owing to the disturbed and revolutionary condition of the South American republics, the assembly met but once, and then only for a short time; and the hopes, which it naturally excited, failed to be realized. During the discussion of this subject in the Congress of the United States, a communication was made, on March 15, 1826, to the House of Representatives by President Adams, in which the following passages are particularly worthy of being introduced here:

"It will be within the recollection of the House, that immediately after the close of the war of our independence, a measure, closely analogous to this Congress of Panama, was adopted by the Congress of our Confederation, and for purposes of precisely the same character. Three commissioners, with plenipotentiary powers, were appointed to negotiate treaties of amity, navigation, and commerce, with all the principal powers of Europe. They met, and resided for that purpose about one year at Paris; and the only result of their negotiations, at that time, was the first treaty between the United States and Prussia—memorable in the diplomatic annals of the world, and precious as a monument of the principles, in relation to commerce and maritime warfare, with which our country entered upon her career as a member of the

great family of independent nations. This treaty, prepared in conformity with the instructions of the American plenipotentiaries, consecrated three fundamental principles of the foreign intercourse which the congress of that period were desirous of establishing. First, equal reciprocity, and the mutual stipulation of the privileges of the most favored nation in the commercial exchanges of peace; secondly, the abolition of private war upon the ocean; and, thirdly, restrictions favorable to neutral commerce upon belligerent practices, with regard to contraband of war and blockades. A painful, it may be said, a calamitous experience of more than forty years, has demonstrated the deep importance of these same principles, to the peace and prosperity of this nation, and to the welfare of all maritime states, and has illustrated the profound wisdom with which they were assumed as cardinal points of the policy of the Union.

"At that time, in the infancy of their political existence, under the influence of those principles of liberty and of right, so congenial to the cause in which they had just fought and triumphed, they were able but to obtain the sanction of one great and philosophical, though absolute, sovereign, in Europe, to their liberal and enlightened principles. They could obtain no more. Since then, a political hurricane has gone over three-fourths of the civilized portions of the earth, the desolation of which, it may with confidence be expected, is passing away, leaving at least, the American atmosphere purified and refreshed. And now, at this propitious moment, the

new-born nations of this hemisphere, assembling by their representatives at the isthmus between its two continents, to settle the principles of their future international intercourse with other nations and with us, ask, in this great exigency, for our advice upon those very fundamental maxims, which we from our cradle, at first proclaimed, and partially succeeded to introduce into the code of national law.

"Without recurring to that total prostration of all neutral and commercial rights which marked the progress of the late European wars, and which finally involved the United States in them, and adverting only to our political relation with these American nations, it is observable, that, while in all other respects those relations have been uniformly, and, without exception, of the most friendly and mutually satisfactory character; the only causes of difference and dissension between us and them which ever have arisen, originated in those neverfailing fountains of discord and irritation, discriminations of commercial favor to other nations, licentious privateers, and paper blockades. I cannot, without doing injustice to the republics of Buenos Ayres and Colombia, forbear to acknowledge the candid and conciliatory spirit with which they have repeatedly yielded to our friendly representations and remonstrances on these subjects; in repealing discriminative laws which operated to our disadvantage, and in revoking the commissions of their privateers: to which Colombia has added the magnanimity of making reparation for unlawful captures by some of her cruisers, and of assenting, in

the midst of war, to treaty stipulations favorable to neutral navigation. But the recurrence of these occasions of complaint has rendered the renewal of the discussions which result in the removal of them, necessary; while, in the mean time, injuries are sustained by merchants and other individuals of the United States, which cannot be repaired, and the remedy lingers in overtaking the pernicious operation of the mischief. The settlement of general principles, pervading, with equal efficacy, all the American states, can alone put an end to these evils, and can alone be accomplished at the proposed assembly.

"If it be true, that the noblest treaty of peace ever mentioned in history is that by which the Carthaginians were bound to abolish the practice of sacrificing their own children, *because it was stipulated in favor of human nature*, I cannot exaggerate to myself the unfading glory with which these United States will go forth in the memory of future ages, if, by their friendly counsel, by their moral influence, by the power of argument and persuasion alone, they can prevail upon the American nations at Panama, to stipulate, by general agreement among themselves, and so far as any of them may be concerned, the perpetual abolition of private war upon the ocean. And, if we cannot yet flatter ourselves that this may be accomplished, as advances towards it, the establishment of the principle that the friendly flag shall cover the cargo, the curtailment of contraband of war, and the proscription of fictitious paper blockades, engagements which we may reasonably hope will not

prove impracticable, will, if successfully inculcated, redound proportionally to our honor, and drain the fountain of many a future sanguinary war."*

The international bodies which have hitherto existed under the denomination of congresses, have differed, in some important respects, from that prospective assembly, to which the attention of the friends of peace has been called. In the first place, they have not been of a permanent character; they have been called into existence in connection with particular emergences; and have terminated, as soon as the circumstances, which called them into being, would permit. Again, being created for particular occasions, they have generally been limited to a few nations, those which were particularly interested, and have not embraced the great body of European and civilized states. Their influence, accordingly, has been more limited, than it would otherwise be. Furthermore, they have been, in their design and in their operations, remedial rather than preventive. They have been summoned together, in order to heal the wounds which have been inflicted, to shut the fountains of wretchedness which war has opened; rather than by antecedent measures to prevent wars taking place. The Congress, which the friends of peace contemplate, differs essentially; it is meant to include every civilized nation; it is designed to be a permanent assembly, in order to meet the cases of misunderstanding and difficulty which are constantly arising. At the

* American State Papers, 1825–26.

same time, it is not intended to be legislative, but purely diplomatic and consultative; a sort of high court of reference and advice, employed in forming treaties and conventions, in adjusting, on the principles of equity, those conflicting claims of its members which they may see fit to refer to it; and in settling the doubtful principles of the public code. And in all these measures, its great object, that for which it is primarily and particularly proposed, is the preservation of universal peace. The mere suggestion of the existence of such an assembly is enough to excite interest; that it is one of the things within the range of possibility, cannot be doubted; and the mere possibility, not to say, probability, of its being called into existence, cannot fail to call forth thought, discussion and effort.

CHAPTER II.

OBJECTS OF ATTENTION.

It is undoubtedly the case with some persons, that they do not clearly perceive what objects would occupy the attention of a Congress of Nations. And in order to make them understand the importance of such an assembly, it is necessary to indicate distinctly some of the topics, to which its deliberations would be likely to be called. The idea of a large permanent assembly, supported at the public expense, with no great objects before them requiring their attention, would meet with but little favor. It will be the object of this chapter briefly to refer to some of those subjects, or heads of subjects, which, it is reasonable to suppose, would, from time to time, receive notice; premising, however, that we do not undertake to give a complete enumeration. Other subjects, connected with some peculiar and unforeseen state of things, would occasionally solicit attention.

1. *Inalienable rights.* — There are some rights, which belong to man *as man;* they are inseparable from his nature; they cling to him under all changes of situation, and amid all the diversities of political regulation. Such as the right to personal safety, the right to improve and perfect the powers our Creator has given us, the right to equal and impartial justice,

and the rights of conscience. It is important for the welfare of mankind, that fundamental rights of this description should be understood; that they should be placed upon clear and irrefragable grounds; and that they should be announced with the utmost solemnity. This is particularly true of rights of conscience. With all the light and liberty of the nineteenth century, there is far from being a full, free, and perfect toleration of religious opinions. And all announcements and stipulations in favor of rights of conscience cannot be too highly valued, because they are made in support of the inalienable claims of humanity. Whatever are proper subjects for treaty stipulations would be suitable topics for the deliberations of an international assembly; and it is well known, that rights of conscience have, in repeated instances, been secured by treaties. And it is worthy of remark, that this view of things was announced to the national legislature by the President of the United States, as a reason for uniting in the proposed Congress of Panama. The passage, to which we refer, is as follows: "The Congress of Panama is believed to present a fair occasion for urging upon all the new nations of the South the just and liberal principles of religious liberty. Not by any interference whatever, in their internal concerns, but by claiming for our citizens, whose occupations or interests may call them to occasional residence in their territories, the inestimable privilege of worshipping their Creator according to the dictates of their own consciences. This privilege, sanctioned by the customary law of nations, and

secured by treaty stipulations in numerous national compacts; secured even to our own citizens in the treaties with Colombia, and with the Federation of Central America, is yet to be obtained in the other South American states and Mexico. Existing prejudices are still struggling against it, which may, perhaps, be more successfully combated at this general meeting, than at the separate seats of government of each republic."

2. *Crimes against humanity.*—Among these are infanticide, human sacrifices, the burning of widows on the funeral pile of their husbands, the practice of the torture, excessive and revolting punishments, the slave trade, and other crimes of a like character. The attention of a Congress of Nations ought to be seriously directed to evils of this kind, because they involve the interests of human nature, as such; they are crimes, in view of which not only civilization, but humanity revolts; they are offences, not merely against a local government, but against all mankind. It was for a long time the practice in certain provinces of India, for widows, at the death of their husbands, to burn themselves on the funeral pile. Although other nations, in a case of this kind, have no right to interfere by violence, it is obviously their duty to interfere, so far as there is a prospect of doing any good, by imparting instruction, and by earnest remonstrances. And if such provinces are under the control of civilized and Christian nations, it is the duty of such nations, to the performance of which they may properly be excited and urged by other Christian

states, to terminate the practice in question by express and direct interdictions.

3. *Improvements in the Law of Nations.*—Many important principles, favorable to the intercourse and the progress of nations, are embodied in the great public code, usually denominated the Law of Nations. Nevertheless, it is very generally conceded, by those who have made this code a subject of particular examination, that it is open to improvements. The doctrines of blockade, of contraband of war, of war on private property on the ocean, of armed interposition in the domestic affairs of another nation, and other important doctrines of international law, are in many cases laid down in a very obscure and indefinite manner, and in some are evidently wrong in principle and unjust in their application. On the supposition, therefore, that improvements can be made, and ought to be made, in the international code, it is very evident, that a Congress of Nations would be a peculiarly suitable body to suggest such improvements, both in consequence of being able to judge of their necessity, and of possessing a weight of authority which would be likely to secure their entire recognition.

4. *Commercial intercourse.*—The improvement and expansion of commerce is one of the striking and pleasant features of the present day. The ocean is not divided by marks and boundaries, but furnishes a common highway for all nations. In large commercial cities, the men of all countries, and speaking in all languages, constantly meet together, and, by their mutual intercourse and transactions, vindicate their

claim to a common descent, a common relationship. As commerce, in the enlarged sense of the term, exists between nation and nation, and embraces all mankind; as it involves immense interests, which connect themselves often with abstruse and complicated inquiries, it will inevitably present subjects for frequent examination to a Congress of Nations. The natural tendency of things, adverse to the freedom and growth of commerce, is the exclusion of foreign articles for the purpose of encouraging home products. It is not easy for any government to resist the claims and calls of its subjects for the protection which is understood to result from such restrictive measures. But an unhappy result is, that these measures are immediately followed by countervailing enactments on the part of other nations; and, if carried very far, they evidently tend to the utter destruction of commerce. Now if nations would come together, in the spirit of amity, and with all the facts before them, they could hardly fail to perceive the ultimate results of restrictions, however necessary they might appear to be on a small scale, and to take measures for the prevention of them. It is certainly to be feared, if nations universally should act upon the principle of refusing the importation of whatever they can produce themselves, which seems to be the prevalent disposition among them, that the interests of commerce, so essential to the happiness of mankind, will speedily and greatly suffer. Perhaps these suggestions may have the appearance of being visionary; but we venture to say with confidence, that among the multitude of

questions, connected with navigation and the interchange of commodities, some, at least, will be found appropriate subjects of international consultation; and that the examination of them will be attended with beneficial consequences.

5. *Naturalization and allegiance.*—The subject of naturalization, with which that of allegiance is closely connected, would be well worthy of the attention of such a body. An Englishman comes to the United States, and after residing a certain time, and passing through some prescribed ceremonies, becomes an American citizen. But it does not appear (whatever declarations he may in his own person make, that he will yield obedience and homage to no other power), that the fact of his becoming an American citizen destroys his allegiance to England. "Natural allegiance," says Blackstone, "is a debt of gratitude, which cannot be forfeited, cancelled, or altered, by any change of time, place, or circumstances. An Englishman, who removes to France or to China, owes the same allegiance to the king of England there as at home, and twenty years hence as well as now."* If this principle is good in relation to Englishmen, it would be difficult to show, that it is defective in relation to the citizens of other countries; and, of course, it will occur to every one, that it must in its applications be attended with serious inconveniences, since the man who is naturalized is made by it to sustain characters and relations, which seem to be wholly inconsistent with each other.

* Commentaries, Vol. I, p. 369.

6. *Contracts in relation to different countries.*—On this topic, we will merely make an extract from the Treatise of Judge Story, on the Conflict of Laws; a work, which one would judge to be almost expressly written for the purpose of showing the importance of a Congress of Nations. "A few simple cases will sufficiently illustrate the importance of some international principles in matters of mere private right and duty. Suppose a contract, valid by the laws of the country where it is made, is sought to be enforced in another country where such a contract is positively prohibited by its laws; or, *vice versa*, suppose a contract, invalid by the laws of the country where it is made, but valid by those of the country where it is sought to be enforced; it is plain, that, unless some uniform rules are adopted to govern such cases, which are not uncommon, the grossest inequalities will arise in the administration of justice between the subjects of the different countries in regard to such contracts. Again; by the laws of some countries, marriage cannot be contracted until the parties arrive at twenty-one years of age; in other countries, not until they arrive at the age of twenty-five years. Suppose a marriage to be contracted between two persons in the same country, both of whom are over twenty-one years but less than twenty-five, and one of them is a subject of the latter country? Is such a marriage valid, or not? If valid in the country where it is celebrated, is it valid also in the other country? Or, the question may be propounded in a still more general form, Is a marriage, valid between the parties in the place

where it is solemnized, equally valid in all other countries? Or, is it obligatory only as a local regulation, and to be treated every where else as a mere nullity."*

7. *Majority, evidence, and law of domicil.*—At what period a man is to be regarded as old enough to act for himself, and to make valid contracts, is not decided by nature, but by express legislation, or by the customary law of different countries. In the United States, a man is legally of age at twenty-one; but in France, he is not regarded as of age until twenty-five. Consequently, if an American, twenty-one years of age, and resident in the United States, should purchase goods in France, the contract would be binding upon him. On the contrary, a Frenchman of the same age, domiciled in France, who should order a like purchase in the United States, "would not be bound by his contract, for he would be deemed incapable of making such a contract."† This single fact will illustrate what we mean.

The law of nations, or perhaps more properly the practice of nations, is unsettled also, in relation to the subject of evidence and proofs. If a contract, or any instrument or act involving the nature of a contract, is made in France or the Netherlands, but is to be carried into effect by a course of judicial proceedings in America, in what way is such instrument or act to be proved? Is it sufficient to authenticate it by the process of France and Holland, and the evidence which

* Story's Conflict of Laws, c. i, § 5. † Ibid., c. iv, § 66.

is considered sufficient there? Or, is it necessary, in the authentication of it, to conform strictly to the ceremonies and the evidence which are required in the United States? "Various cases may be put to illustrate these questions. A contract or other instrument is executed and recorded before a notary public in a foreign country, in which, by law, a copy of the contract or other instrument certified by him is sufficient to establish its existence and genuineness; would that certificate be admissible in the courts of common law of England or America to establish the same facts? Again; persons who are interested, and even parties in the suit, are in some foreign countries admissible witnesses to prove contracts, instruments, and other acts, material to the merits of the suit; would they be admissible as witnesses in suits brought in the course of common law in England and America, to prove the like facts in relation to contracts, instruments, or other acts, made or done in such foreign countries material to the suit? These are questions more easily put than answered."*

On the subject of domicil, and of the rights and duties connected with domicil, the doctrines and practices of different countries are at variance with each other. What constitutes a domicil—whether the rights and obligations, which attach to a person in connection with his domicil, are to be recognized and respected in all other places—the application of the doctrine of domicil to the marriage relation, particu-

* Story's Conflict of Laws, c. xvii, § 630.

larly in its bearing upon the matters of property and divorce—the connection of the doctrine of domicil with the testamentary disposition of property at death —these are some of the important topics, on which different opinions have been expressed, and different practices have been adopted. Certainly on some of the subjects which have been introduced under this head, there would be ample opportunity for the exercise of that high degree of wisdom, which we might suppose to be assembled in a Congress of Nations.

8. *Retaliation in war.*—If war is less horrid in its results than it was once, there still remain features hardly less atrocious than those which have been expunged from it. One is the assumed right of retaliation.

The instances of cruelty, which have originated in connection with this alleged right, are exceedingly numerous, and of the most affecting character. Facts will best show what we mean. In the Spanish civil war, now in progress, Zumalacarreguy defeated at the battle of Los Compos de Larion a division of Rodil's army under the command of General Carandolet. Among the prisoners taken by the Carlists were the Conde de Villa Manuel, a grandee of Spain, and several officers of rank. Zumalacarreguy, who has not the reputation of being a bloodthirsty ruffian, immediately despatched a courier to Rodil, informing him of these officers and noblemen being in custody, and offering to exchange them for several officers of his own, who had been taken previously in Biscay and Guipuscoa. In the mean time, the prisoners

shared the table of their captor, and were treated with all the respect due to their rank. In two days the courier returned, and found the General seated with his prisoners at his mess, over a *puchero*. Rodil's letter was instantly opened, and contained the following laconic reply: "The officers you require, I have already shot." The fate of the unfortunate nobleman and his officers is soon told. "Gentlemen," said Zumalacarreguy, throwing the letter to them, "I am sorry it is so, but there is no alternative. Blood for blood! Send for the confessor, for you have but a few minutes to live!" And, in effect, they were dragged from the very table at which they had been seated together, and shot in the court yard!*

Take another instance still more atrocious, which has already been referred to. In the revolutionary war of the Netherlands, which terminated in their independence, the Spaniards repeatedly threw the Dutch prisoners, whom they had taken and detained on board their ships, into the ocean. The Dutch, having at a certain time taken a considerable number of Spanish prisoners, tied five companies of them together in pairs, and, in retaliation of the cruelties of the Spaniards, threw them, on a given signal, alive into the sea.

When Buonaparte was carrying on the war in Egypt and Syria, he sent a messengēr to Jaffa for the purpose of demanding the surrender of that place. The messenger was beheaded by order of the gov-

* The Calumet, Vol. II, No. 4.

ernor. Among the prisoners subsequently taken at Jaffa were found a part of the garrison of El Arish, who had been taken once before, and had pledged themselves not to serve against the French. These transactions were the grounds of great offence; and on the principle of retaliation Buonaparte ordered two thousand prisoners who had fallen into his power, to be escorted out to the sand-hills to the south-east of Jaffa, and to be put to death in cold blood. "The execution lasted a considerable time, and the wounded, as in the *fusillades* of the Revolution, were despatched with the bayonet. Their bodies were heaped together, and formed a pyramid which is still visible, consisting now of human bones, as originally of bloody corpses."*

In the course of the dreadful civil wars in South America there were similar instances; and they are to be found, more or less frequently, in all periods of history. If wars are to exist and to be carried on in future, can it be too much to expect, that improvements will continue to be made in the principles and modes of their prosecution, and that this repulsive and cruel feature, which is equally repugnant to reason and humanity, will be removed? Certain it is, that no subject could be more worthy of the prompt and effectual attention of the assembled wisdom of civilized and Christian nations.

9. *Measures for the relief of suffering nations.*— There can be no question, that nations are bound to

* Scott's Life of Napoleon, Vol. I, c. 29.

assist each other, in cases of want and suffering, so far as they are able to do it, consistently with their own preservation. This duty has always been admitted in theory, and has also been acknowledged in some instances by the more decisive testimony of being put in practice; but it has not, in general, been carried into effect so promptly and efficiently, as it ought to have been. It is but a few years since, that hundreds of thousands in Greece were in a state of starvation; still more recently the inhabitants of the Cape De Verd Islands were in the same situation; in both instances, the cry of distress was heard and reechoed through every part of the civilized world; but the assistance which was furnished, and for which there has not often been a more urgent call, was rendered chiefly, if not exclusively, by individuals. It is undoubtedly proper and commendable for individuals to act in such cases; but it seems highly suitable, whether we consider the magnitude of the object, or the relations of one political community to another, that the greater and more effective ability of nations should be put in requisition. And measures to this end, such as would render prompt and ample assistance in all cases of great national suffering brought about by unavoidable causes, would be properly set on foot and perfected by an international assembly.

10. *Interpretation of treaties.*—Writers on the law of nations have laid down various principles, applicable to the interpretation of treaties, and in so doing they have contributed to the great cause of justice and humanity. But it was not within the reach of

any ordinary foresight, to anticipate distinctly all the possible circumstances of their application. Cases may be expected to occur in time to come, as they always have occurred in time past, where the stipulations of treaties are of such a nature as to leave it entirely doubtful what course the parties are bound to pursue. None of the principles, which are established in the public law, will meet them. Under such circumstances, it is highly desirable, that there should be some established body, possessing the confidence of all parties, to which an appeal can be made. Such a body would be an assembly composed of the most distinguished men of various nations, a majority of whom could not be supposed to be influenced by views inconsistent with entire justice.

11. *Military regulations in time of peace.*—Expensive fortresses are maintained, immense armies are kept on foot, and numerous fleets are supported even in time of peace, merely because such fleets, armies and navies are maintained by the surrounding nations. It seems to be an established maxim, whether a just one or not we will not here undertake to say, that no nation in Europe can greatly reduce its military establishment without incurring danger from other nations. The excessive expense, therefore, attending these establishments must be perpetually incurred, and the people be burdened and distressed by taxation, unless the nations in the neighborhood of each other can be brought into the measure of a simultaneous reduction. But this measure, which so nearly concerns all civilized nations, both the governments and the people, is very difficult to be effected. No nation is willing to

take the first step in any considerable reduction of military force, without a full assurance that the surrounding nations will take the same step; and such an assurance seems necessarily to imply a meeting of the nations concerned, and a mutual consultation. It was probably in consequence of his conviction of the embarrassments and miseries attending large military establishments, that Henry IV of France, proposed, about the year 1610, the plan which has already been spoken of, for preventing the recurrence of wars in Europe. His plan was to constitute, by means of an European congress, a sort of pacific and confederated European commonwealth. He proposed that delegates should be appointed by the several European nations, and that these, when assembled together, should act as a court of inquiry and arbitration in any controversies, that might from time to time arise among the states by whom they were commissioned. If this wise and benevolent plan had gone into effect at the time of its proposal, how many millions of money would have been saved—how many lives would have been prolonged—how many tears would have been spared! The immense sums, applied to the slaughter of the human race, would have been expended in the culture of the earth, in purposes of commerce, in feeding the hungry, and clothing the naked, and healing the sick, and in various ways diminishing the aggregate of misery and increasing the sum of happiness.

12. *The entire and permanent extinction of war.*—This is the great object for which such a body ought

to be assembled. Wars must end. They commonly arise from such trivial causes; they are so at variance with the benevolent and just elements of man's nature; they strike so deep at the root of human happiness; they are obviously opposed to the spirit and the letter of the gospel; that religion and benevolence and the common sympathies and wants of humanity all cry aloud for their permanent termination. The progress of civilization will do much towards this end; the diffusion of Christianity will do more; but there is reason to fear they will come short of this great object, unless their beneficent influences are brought together and concentrated in the authoritative voice of some august international assembly. If this were the only object which could properly be brought before a Congress of Nations, or which would be worthy of their attention, it is so transcendently great in itself and in its connections, that it would alone fully justify the formation of such an assembly.

These are some of the topics, that might be expected to come before the august body, which is proposed to be formed. There are a few others, which seem to require a more particular notice. We shall not, however, undertake to present a complete enumeration; but one thing may be regarded as certain, that, if they should assemble in the true spirit of their vocation, if they should have a heart as feelingly alive to the interests and claims of mankind, as they would undoubtedly have a head clear and able in the perception of them, there can be no doubt that they would find enough to do.

CHAPTER III.

WEIGHTS AND MEASURES.

Among the subjects, which the advice and decisions of the proposed Congress might be expected to reach with some favorable results, may be included that of Weights and Measures. This is a subject, which is so closely connected with the progress and happiness of the human race, and is at the same time so little understood, that we shall bestow a little more time upon it than was allotted to the slightly noticed topics of the preceding chapter.

It is really appalling to notice the diversity which exists throughout the world in the measures of weight and quantity. The system of England is different from that of France; and that of France is different from the system of Holland; and almost every country, however allied it may be by commerce to other countries, has its own system, its own practices. And it is sometimes difficult, with all the pains that can be taken, to estimate, as compared with each other, the weights and measures of different countries. We do not presume to assert, that any thing could be effectually done by a Congress towards securing a general uniformity in this thing; but they would certainly be in a situation to estimate the practicability of such a movement, to make propositions in relation to it, and

give advice. Favorably situated to collect information as to the standards of weight and measure in use in various countries, and to ascertain their relation to each other, they would of course be in a situation to form an estimate of their comparative merits. And from learning the results of practical legislation in particular countries, they would fully understand not only the greatness of the evils to be corrected, but the obstacles which stand in the way of such correction. And such information would be found the more important, because hasty innovations in this matter, necessarily extending to the transactions of every family in the community, would be likely to be attended with the very greatest inconveniences.

Different countries have at different times consulted and legislated on this subject. For more than seventy years, it has received, at short intervals, the attention of the English parliament, with the design of instituting a permanent system for themselves and their dependencies, founded on scientific principles, and with the laudable hope, undoubtedly, of its being ultimately adopted by other nations; but after all the inquiries and experiments which they have been able to make, they have not felt at liberty to venture on any decisive acts. So late as May, 1821, the report of a select committee, appointed to consider several reports which had previously been laid before the House of Commons, discountenanced a departure from the standards already established in Great Britain for the purpose of conforming them to those of other nations; and merely advised bringing in a

bill, the principal object of which was to secure an uniformity in the standards of length, capacity, and weight, in Scotland, England and Ireland, and in the colonies and dependencies of the empire, among all of which the greatest diversity had previously prevailed.

During the past fifty years, the Congress of the United States has had, at various times, the same subject under consideration; but satisfied as they were of the inconveniences of existing systems, and of the desirableness of uniformity among all commercial nations, they have taken no measures; and as their commercial connections are chiefly with Great Britain and her dependencies, they will undoubtedly choose to wait for her movements. The wisdom of this policy is perhaps unquestionable. The United States received the standards of their weights and measures from England; the standards at the English exchequer are the same now as at the first settlement of this country; and it is worthy of notice, that in the report to the House of Commons just now referred to, the committee recommend the sending of copies of the standards in the exchequer to the United States, in the confident hope of their being adopted here, and thus securing the great object of uniformity, as far as these two commercial communities are concerned. A learned report, made a few years since to the Congress of the United States, came to the conclusion, that any change in our system would be inexpedient at the present time, and among other prominent reasons, for the following: "That no change whatever

of the system could be adopted, without losing the greatest of all the elements of uniformity, that referring to persons using the same system. This uniformity we now possess in common with the whole British nation; the nation, with which, of all the nations of the earth, we have the most of that intercourse which requires the constant use of weights and measures."* Great Britain, therefore, and the United States may be considered as going together on this subject, or rather as remaining where they are, until further inquiries shall have satisfied them what new measures can be taken with safety.

The kingdom of France had suffered from a want of uniformity in weights and measures within her own limits; and on the first of August, 1793, the National Convention, animated with the hopes of correcting the evils and inconveniences of the previous state of things, resolved to adopt an uniform system; and, in conformity to this resolution, a new system was established by law, in 1795. Although prepared for the immediate use of France, its authors evidently took into view the wants of other nations, and desired and anticipated its universal adoption. The committee of public instruction spoke of it as being placed on a basis immutable as nature herself, as a plan ardently desired by the enlightened friends of humanity, and as worthy of being offered to all other nations, as well as France. The French system was founded on the

* Report upon Weights and Measures, by John Q. Adams, in obedience to a Resolution of the Senate of the 3d of March, 1817.

principle, that all weights and measures should be reduced to one uniform standard of linear measure; and that this standard should be an aliquot part of the circumference of the globe. The unit of linear measure, to which as a standard they proposed to refer all others, is the ten millionth part of the quadrant of the meridian, extending from the equator to the pole. This is called the *metre*, being about 39⅜ English inches. A cube, whose side is one tenth of a metre, forms the unit of measures of capacity; it is equal to about 2⅛ English pints, and is called the *litre*. With such beginnings, a plan was ultimately matured, and verified by scientific observations, which, in the theory at least, seemed to have a decided advantage over all others, especially as it was expressed by a simple and significant nomenclature.

But the French system, though generally understood to possess in many respects decided advantages, has not come into use beyond the limits of France, except perhaps to a very small extent; and the civilized world still continue exposed to many frauds and a great deal of useless labor, in consequence of the want of a well established and uniform arrangement, which, in its outlines at least, should be understood and practised upon by all nations. Great Britain and the United States, with a characteristic caution, have not ventured upon any very decisive measures, even in respect to their own dominions, still less with reference to foreign countries; and the system of France, which necessarily encountered popular prejudice, as well as national jealousy, has as

yet exerted but little influence beyond the limits of French territory. So that the undeniable evils resulting from the want of an uniform system of weights and measures still remain; nor is there any prospect that they will be remedied, except by the mutual and long-continued consultation of nations. On this ground, therefore, we assert, it will be found a subject deserving the attention of a Congress of Nations, whenever nations can be induced to meet together for the purpose of friendly and peaceable discussion. And as we have from time to time fortified the opinions that have been hazarded, by an appeal to the authority of men well known to the public, and high in public estimation, we shall here introduce to the notice of the reader an extract from Mr. Adams's Report to the American Congress, which goes to show the importance of the subject, and the measures proposed to be taken:

"The plan which is thus, in obedience to the injunction of both Houses of Congress, submitted to their consideration, consists of two parts, the principles of which may be stated: 1. To fix the standard, with the partial uniformity of which it is susceptible for the present, excluding all innovations. 2. *To consult with foreign nations, for the future and ultimate establishment of universal and permanent uniformity.*

"The two parts of the plan submitted are presented distinctly from each other, to the end that either of them, should it separately obtain the concurrence of Congress, may be separately carried into execution. In relation to weights and measures throughout the

Union, we possess already so near an approximation to uniformity of law, that little more is required of Congress for fixing the standard than to provide for the uniformity of fact, by procuring and distributing to the executives of the states and territories positive national standards conformable to the law. If there be one conclusion more clear than another, deducible from all the history of mankind, it is the danger of hasty and inconsiderate legislation upon weights and measures. From this conviction, the result of all inquiry is, that, while all the existing systems of metrology are very imperfect, and susceptible of improvements involving in no small degree the virtue and happiness of future ages; while the impression of this truth is profoundly and almost universally felt by the wise and the powerful of the most enlightened nations of the globe; while the spirit of improvement is operating with an ardor, perseverance and zeal, honorable to the human character, it is yet certain, that, for the successful termination of all the labors, and the final accomplishment of the glorious object, permanent and universal uniformity, legislation is not alone competent. A concurrence of will is indispensable to give efficacy to the precepts of power. All trifling and partial attempts of change in our existing system, it is hoped, will still be steadily discountenanced and rejected by Congress; not only as unworthy of the high and solemn importance of the subject, but as impracticable to the purpose, and as inevitably tending to the reverse, to increased diversity, to inextricable confusion. Uniformity of weights and

measures, permanent, universal uniformity, adapted to the nature of things, to the physical organization and the moral improvement of man, *would be a blessing of such transcendent magnitude, that, if there existed upon earth a combination of power and will, adequate to accomplish the result by the energy of a single act, the being who should exercise it would be among the greatest benefactors of the human race.* But this stage of human perfectibility is yet far remote. The glory of the first attempt belongs to France. France first surveyed the subject of weights and measures in all its extent and all its compass. France first beheld it as involving the interests, the comforts, and the morals of all nations and of all after ages. In forming her system, she acted as the representative of the whole human race, present and to come. She has established it by law within her own territories; and she has offered it as a benefaction to the acceptance of all other nations. That it is worthy of their acceptance, is believed to be beyond a question. But *opinion* is the queen of the world; and the final prevalence of this system beyond the boundaries of France's power must await the time, when the example of its benefits, long and practically enjoyed, shall acquire that ascendency over the opinions of other nations, which gives motion to the springs and direction to the wheels of power."

CHAPTER IV.

THE SLAVE TRADE.

THERE is another important subject which would properly come before an international Congress, that of the Slave Trade. If there is any discussion, in which the whole human race could properly be concerned, it is in relation to this insufferable traffic. Nothing can be more humiliating to human nature, or more offensive in the sight of a just God, than the fact, that multitudes of our fellow-beings are, from year to year, causelessly and violently torn away from their homes and friends, and consigned to hopeless servitude in foreign lands. In order to have a correct view of the abominations of the slave trade, every man should apply the facts to himself and to his own case. Our views and feelings are apt to be limited by the narrow circle of our own personal interests; and the most aggravated evils, when they do not have a direct connection with ourselves but are remote from us, appear exceedingly diminished and almost harmless. But let us ask, what sum of money would compensate for the laceration of feeling and the unspeakable wretchedness of that parent among ourselves, who should behold his beloved children seized and carried off by a band of robbers? Look round upon your own family, and put the question

to your own heart; and then say, whether the cruel treatment of African fathers and African children is a trifling concern.

Many years since the miseries of Africa, connected with the slave trade and resulting from it, arrested the attention of philanthropists in various parts of the world. A number of excellent men, respected alike for their talents and their high moral character, long ago raised their voice against this tremendous evil, this concentrated essence of sin and wretchedness. The generous and enlightened men who have been referred to, are not to be blamed, if the results have not corresponded to their wishes.

It is true, that the traffic has been prohibited by the legislatures of England, France, and the United States; and various treaties have been formed with the same general object in view. But it has been found to avail almost absolutely nothing, that some nations have taken these just measures, and have even denounced the traffic as piracy, while others have continued to prosecute it. Instead of being entirely suppressed, as it ought to have been years ago, this odious and cruel trade is still openly carried on, and is not even essentially diminished. Even to this day, the peaceful villages of Africa are devastated; husbands and wives, parents and children, with a love towards each other as warm and pure as thrills in the breast of any European, are separated from each others' arms for ever. In the year 1822, there were shipped from Africa, for the single city of Rio Janeiro, 31,240 negroes; and for the city of Bahia more than

8000, swelling the Brazilian trade alone to the heart-sickening aggregate of about 40,000 persons, cruelly and treacherously torn from their homes and families, and doomed to a life of toilsome and hopeless servitude. In 1823, the number of persons, thus introduced into the Brazilian ports, was nearly the same; certainly not less. In the first six months of the year 1824, the number of slaves brought into the port of Rio Janeiro was 16,563.* By a recent official report from the same city, it appears, that the number of slaves imported into it in 1826 was 35,966, and that the number imported in 1827 was 41,384. † According to a statement in the recent travels of Dr. Walsh in Brazil, the number imported in 1828 was 45,000. Slave factories were not long since established in the immediate vicinity of the American colony of Liberia; and at the Gallinas, between Liberia and Sierra Leone, not less than 900 slaves were shipped in the summer of 1830, in the short space of three weeks. It appears from the statements of the Colonial Agent of Liberia, that, in the year 1834, the coast of Western Africa was swarming with slave traders. In December of that year, a Spanish brig of three hundred tons, the Formidable, was captured off the mouth of the old Calabar river, which had on board seven hundred slaves. It is not easy to state with perfect precision, but the average number of enslaved Africans, violently torn away each year from their native country, may

* See statements in the Edinburgh Review, Vol. XLI.

† African Repository, August, 1828, April and July, 1835. See, also, the 13th Annual Report of the American Colonization Society.

be estimated with much probability at not less than 75,000. Many persons, who have been favorably situated to form a correct estimate, have placed the number as high as 100,000.

But the dreadful atrocity of these transactions is not to be found in the number of enslaved persons alone; it is not less conspicuous in the treatment of them; in their want of clothing, in the wretched quality of their bread, in the putrid water they are compelled to drink, and the close and corrupted air they breathe. It shocks humanity to add, that the wretched slaves have, in a number of instances, been thrown overboard alive, as if they were mere ballast, and not our brethren, bone of our bone and flesh of our flesh. In 1819, the French slave ship, the Rodeur, threw overboard thirty-nine negroes, who had become blind during the voyage, and were for that reason unsaleable. Not long since, as appears from a report of the African Institution, the slave ship La Perle, having landed part of a cargo of 250 slaves at Guadaloupe, was pursued by an armed French cutter; and to avoid detection threw the remainder, sixty-five, overboard, and they were all drowned.

So recently as the latter part of the year 1831, if we may credit uncontradicted accounts circulated generally in the newspapers, the same dreadful crime was repeated to a still greater extent. The two tenders of the English frigate Dryad gave chase to two slave vessels apparently deeply laden; but the slavers, exerting themselves to the utmost, were enabled to escape into the river Bonny, and to disembark 600

slaves, before the tenders could come up to take possession of them. They found on board only two hundred, but ascertained that the persons in command of the slave vessels had thrown overboard 180 unfortunate victims, manacled together, four only of whom were picked up. What man can read such accounts, which are susceptible of being authenticated beyond all manner of doubt, without hiding his head in shame and confusion, and even blushing to think himself a man! What king, what legislator, can be found, who will not raise his voice against this horrid wickedness, till it shall reach all lands, all nations! And yet this traffic, with all its dreadful attendants, has already measured a pilgrimage of more than three hundred years; it has already consigned to slavery and all the horrors of slavery forty millions of persons; and still lives and flourishes.

It cannot be doubted, that the arrangements, incident to the practice of the slave trade, would be suitable topics for the discussions of an international congress, and that, in view of past experience, such a congress is the only hopeful means of removing this great evil. And we may add, that this opinion is by no means a novel one, if we may judge from what has repeatedly taken place in Europe in relation to this very subject. It is well known, that it was discussed by the great powers of Europe assembled in the celebrated Congress of Vienna. Subsequently, in December of 1817, a conference was held in respect to it at London, by the plenipotentiaries of Austria, France, Great Britain, Russia and Prussia. A subse-

quent conference was held by the same great powers, at the same place, and on the same subject, in February of 1818. At the last named conference, Lord Castlereagh read a note, in which he stated, among many other things, that the parties engaged in the trade had adopted the practice of carrying it on in armed and fast sailing vessels, which menaced with destruction, by their piratical practices, the commerce of all nations on the coast of Africa. He stated, further, that the system of obtaining fraudulent papers, and concealing the real ownership, was conducted with such address as to render it easy for the subjects of all states to pursue this traffic, so long as it should remain legal to the subjects of any one state; and accordingly the Portuguese slave trader, when it had become unlawful for him to appear north of the line, had concealed himself under the Spanish flag; and the American and the British dealer in slaves had in like manner assumed a foreign disguise. He further gave it as his opinion, that nothing could cope with this abominable traffic, under the then existing state of things, but the vigilant superintendence of an armed and international police, established under the sanction and by the authority of all civilized states.* The subject of the slave trade was subsequently taken up, and occupied much time and attention in the Congress of Aix-la-Chapelle.

But the measures proposed to be taken were

* See Report of the African Institution, and statements in the Christian Observer, 1819; also, R. Walsh's Appeal, p. 378.

obstructed by the difficulties attending the proposition of a mutual right of search and detention. It appeared that this proposition could not be generally acceded to, but the discussion of it gave rise to a proposal on the part of Russia which is worthy of notice here, on account of its approximating on a small scale to the principles and results of a permanent supervisory administration extending to all countries. The proposal was to this effect; for the purpose of suppressing the slave trade, there should be a supreme council constituted, in which all Christian nations should take a part, the seat of which should be a central point on the coast of Africa; that this council should have the control of an adequate maritime force, maintained for the purpose of effecting the great object in view; that there should be a judicial tribunal, judging all crimes relating to the slave trade, according to the law established by the supreme council, by which also the sentences of the judiciary power might be revised; that the supreme council and its agents should be allowed the right of visiting and detaining vessels, as one means of fulfilling their great object; and that an account of its administration should be rendered to the congress or conference of nations concerned in its establishment.

CHAPTER V.

INSUFFICIENCY OF PRESENT MODES OF REDRESS.

THERE are some persons, agreeing with us in the belief of existing evils, and that much remains to be done, who nevertheless profess themselves to be satisfied with the means of improvement already in operation. It will be the object of this chapter briefly to show that the existing methods of redress, from which they anticipate a gradual but sure and complete remedy of national evils, are not sufficient.

1. One of the means to which we now allude, are, treatises on the law of nations. Much credit is undoubtedly due to the authors of these treatises. With a commendable regard for the rights and happiness of their fellow-men, they have displayed a great compass of thought, and the rich treasures of learning. The subject itself is one of the highest interest; and the manner of treating it has often corresponded to the dignity and interest of the subject. They have explored the grounds of obligation in man himself; they have gone upward, and have studied the intimations and counsels of his Creator; and have thence deduced principles, applicable to the government both of individuals and of great communities. We venerate the men and their efforts; we cheerfully render them the homage of sincere admiration and

gratitude; but, while we readily admit that they have done immense good, we can never be persuaded that they have met in all respects the wants of mankind, or that the results of their labors have corresponded even to their own intentions. Nor could we rationally expect that it would be otherwise. The subject of international law is too vast to be settled by a single individual, however great his genius and learning. It requires no ordinary degree of foresight and discretion to institute properly a mere municipal code; and there can be no doubt that the difficulties attending the establishment of an international one are far greater. And if the accomplishment of a work so vast were within the compass of any one man's ability, we are still to recollect that these writers are not left solely to the guidance of their own minds,—to the original, instinctive sentiment of justice,—but are trammelled in their decisions by prescription, by the practice of nations whose usages have been frequently controlled by the pressure of interest, rather than the dictates of rectitude. But whatever may be the cause, there can be no doubt as to the fact.

2. Nor can we rely fully and satisfactorily for an exposition of the law of nations, and for a remedy of the evils hitherto attending the intercourse of nations, on the decision of Admiralty courts. Their position, considered as the expounders of a law applicable to the citizens of other nations, as well as their own, is in some respects an unfavorable one. Taking it for granted that the judges of those courts are in general men of great uprightness and learning, still it would

be unreasonable to expect that they would always escape every bias, incident to their peculiar situation. And even if this were the case, are their decisions always to be held conclusive?

In the celebrated case of the Swedish Convoy, decided in England in June, 1799, Sir William Scott makes a declaration to this effect, that though the seat of judicial authority is in England, the law itself has no locality; and that he is under obligation to decide in London the same as he would do in Stockholm. Allowing due weight to these assertions, it is still abundantly obvious, from the general spirit of this celebrated decision, which went to establish the illegality of certain doctrines in relation to neutral rights maintained by Russia, Denmark and Sweden, that he felt too as an Englishman; that he was not insensible, and could not be insensible to the perilous situation of his suffering country; and that these feelings tended to strengthen his confidence in the opinions he asserted, and to enhance his contempt for "those loose doctrines, which modern fancy, under the various denominations of philanthropy and philosophy, have thrown upon the world."* These last are his own expressions; and when we consider that they were used as applicable to a principle which had been recognized by some respectable writers on national law, by the treaties of a number of highly respectable nations, and by an armed neutrality, they are of themselves enough to justify us in what we

* Robinson's Admiralty Reports, Case of the Maria.

have intimated of the unfavorable position of an Admiralty judge to a just arbitration on international rights.

We are desirous, however, not to be misunderstood on this subject. We presume, as a general statement, that these courts are incompetent to make the law of themselves; but we do not deny that they may throw light on its obscure places. There is an antecedent standard of law and rectitude, which is obligatory on them; but their intimations and reasonings on questions of abstract right, which their situation permits them occasionally to offer, may lay the foundation of future changes. No one hesitates to yield them the credit of great learning, and of a prevalent disposition to do strict justice; but it is no heresy to disclaim their infallibility. We do not doubt their honor; but we cannot shut our eyes to the weakness of human nature and the force of contingent circumstances. We recognize in their decisions the voice of their own nation and their own people; but we do not so readily admit their claim to the character of spokesmen and expositors for the whole world. And no one can doubt the possibility of maritime tribunals, with all their ordinary characteristics of learning, honor and justice, being arrayed, not only in opposition to the existing claims and opinions of other nations, but equally in opposition to undoubted law and justice.

As this subject is one of some delicacy, and on which there may, undoubtedly, be a difference of sentiment, we think it proper to introduce here the

opinion of the late William Pinkney, and to support ourselves by such a highly respected authority. "If it shall once be admitted that an Admiralty sentence must be received as just, however it may be in fact, there is no species of depredation to which neutrals may not be subjected. The memoirs of France and the placarts of Holland may be revived and executed in their utmost rigor, without the danger of reprisals; since, if confirmed by Admiralty sentences, their effects are not to be murmured against. Constructive blockades may be set up without limit; for Admiralty sentences can legalize them. I do not mean to intimate that such would be the conduct of this or any other government in particular. It is enough that such may be (although we know that such has been) the conduct of maritime states; and I am at liberty to argue against a principle from its possible pernicious consequences. Heretofore it has been supposed that this sort of conduct found its only warrant in physical power; but the new principle, that Admiralty sentences can justify every thing by an *ex post facto* purification, will, if it shall be adopted, place it upon the basis of moral right; or, in other words, it is a contrivance to make the law of nations uphold and justify the violation of its own rules. * * * A neutral nation has a perfect right to have the claims of its citizens, in matters of prize, decided according to the law of nations, let the instructions of the government be what they may; but this right never has been and never will be regarded by maritime jurisdictions, whatever we may be told to the contrary. It follows,

that the rights of neutrals are often sacrificed; but, being sacrificed by Admiralty sentences, acting upon the instructions of the government, there can be no remedy for the neutrals, if these sentences, though notoriously founded on instructions at variance with the law of nations, are to be conclusively presumed to be in exact conformity to that law."*

3. We may add, further, that an efficient means of remedying the evils of which we complain, is not to be found in treaties. It is well understood, that treaties have always had great weight in defining and settling the principles of international justice. Martens, in speaking of the positive law of nations, where he has occasion to refer to Puffendorf, Glafey, Vattel and others, states explicitly and expressly, that "these writers made it a study to illustrate their subject by examples and observations taken from the history of modern times; that they drew their information from treaties and other public acts; and that those persons, who, like Leibnitz, had published collections of this sort, had paved the way for them."

It is not pretended, that a single treaty is of itself conclusive authority on a controverted doctrine of law; but it furnishes a presumption of what the law is, and it has a degree of weight in defining and ascertaining it, so far as it is unsettled. Considered as the expression of a nation's opinion and wishes, every treaty is entitled to some consideration. But

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* Pinkney's Opinions before Commissioners acting under the treaty of 1794.

still, when a treaty is appealed to for the purpose of ascertaining what the law of nations is, it ought to be examined with much caution, because, like the decisions of Admiralty courts, it is in some sense *ex parte*, and is unavoidably exposed to the sinister suspicion of being prompted by views of convenience and interest. But, putting the interested views of the authors of treaties out of the question, and inquiring merely for the facts which they present, we shall find that they are far from being concordant in their testimony on matters of international law. For instance, on the principle of "free ships, free goods," while we find a considerable number of treaties recognizing it, there are others that reject it. "The treaties of Europe, which," says a writer,* "form so vast a part of the rule which governs the conduct of each of its states, have swelled to such an enormous size in point of number, contain so many various, and sometimes contradictory stipulations, and open a field so immense for discussion, by way of analogy and comparison, that it is not an easy thing to settle what general principle may be collected from them except by a thorough and accurate inspection of the whole." It may be added, that the thorough inspection here spoken of will not always answer the purpose. There will still remain contradictory stipulations, laying the foundation for contradictory and uncertain deductions. Especially, as it is impossible, in the examination of treaties, to state precisely at what period we ought to begin; and

* Ward on the Rights of Neutral and Belligerent Powers, p. 95.

beyond which the examination shall not be prosecuted. Accordingly, in endeavoring to ascertain from treaties, whether the law of nations recognized the principle that free ships shall make free goods, Hubner extends his inquiry through the last century, while Schlegel carries it back to 1642; but neither of these periods appears to be satisfactory to Ward, who institutes an elaborate examination on the same subject. We do not deny that treaties often repeat and affirm the law already existing, and that they sometimes explain the obscurities and settle the doubts attending it; but we do not find in them that just and pervading and authoritative power of exposition, which the sufferings of mankind and the exigences of this enlightened age imperatively demand.

4. We proceed to remark, further, that we do not find an adequate corrective of existing evils in custom. It is well understood, that many points of international law are settled in this way, viz., by the alleged prevalent and permanent practice of nations. All authorities, that are commonly relied on in these inquiries, assert this. They agree in assuring us, that maxims and customs, consecrated by long use, become binding, and form a portion of the public code. These customs are considered as expressive of the opinions and wishes of the nations by which they are admitted; but not unfrequently they are difficult to be correctly ascertained; or are limited in their application to a small number of states, or are met and opposed by variant and conflicting customs. And we should naturally expect this, since we find that the customs

of nations, when traced back to their origin, often have their beginning in excited passion or temporary policy. Such being the case,—and it is most certain, that these alleged perplexities are not wholly chimerical,—it is evidently difficult, in many cases, if we refer to custom for the purpose of determining the matter, to tell what ought to be regarded as law, and what should not be.

In view of these facts, therefore, we think we have grounds for the assertion, that the ordinary means of correcting the evils existing in the law of nations are essentially inadequate, and that other means should be sought for. And the question is, Where shall we find them?

Writers on national law profess to treat nations as persons; and they aver, with a great degree of unanimity, that the principles of justice, applicable to individuals, are also applicable to bodies politic. If nations are treated as moral persons, it must be on the ground that they have the character, attributes, and rights of persons; and that there is some analogy between them. But it would be very unwise and unauthorized, to treat of the rights of persons without a regard to the circumstances in which they are placed, and without taking into consideration the relations which man, by the evident tendencies of his nature, is made to sustain to his brother man. But if persons are not entirely solitary and insulated from all others, having rights which are unreached and unmodified by the rights of their fellows, nations are, in like manner, not solitary and insulated, but are

members of one great family, the head of which is the Creator of the world. This we apprehend to be the proper view, viz., that nations, like individuals, are the members of a family; it seems to follow necessarily from the acknowledged propriety of treating them as persons; and it is only by following out this view, and requiring nations to act upon it, and assembling them together in their acknowledged capacity of friends and brothers for the purpose of amicable discussion, that we can find a remedy for the evils complained of. In other words, the body suitable for this great object seems to be the representatives or diplomatic agents of nations, met together in an international congress.

CHAPTER VI.

OBJECTIONS TO THE PROPOSED CONGRESS.

Even if it should be admitted that there is abundant occasion for improvements in national intercourse, and that the existing means of such improvement are inadequate, various objections to the proposed Congress of Nations will not fail to present themselves. This is an ordeal, from which no untried measure can expect to escape: the judicious will propose them on grounds of prudence, and the timid from fear; and, on the whole, it is not desirable that it should be otherwise. A good measure will of course bear examination; and it is not desirable that a bad one, which has been ascertained to be so by inquiry, should undergo the trial of an actual experiment.

1. One objection is, that the proposed Congress, not being invested with legislative and judicial authority, or with the means of enforcing obedience, must necessarily be advisory merely, and will of course fail of its object. An obvious remark on this objection is, that it would have applied at any former period better than the present. It is one of the honorable characteristics of the present age, that there is an increased disposition to substitute reason for violence, and the logic of good advice for that of blows and bloodshed. But, further, this objection seems to imply

too limited a view of the business of the Congress. Their business would be partly diplomatic; propositions for treaty arrangements could be made and discussed, under the most favorable circumstances, by the representatives of different nations; the bearings of such arrangements on other nations could be promptly ascertained, and the treaties could be concluded with less perplexity and hindrance than at present. In this respect, what might be done at the Congress could not be properly considered as merely advisory, although their doings would undoubtedly be subject to the ratification of their respective governments. Not only this, they would necessarily be a great court of reference. Existing differences, in the shape of contested boundaries, conflicting constructions of international law, and the like, would, from time to time, be submitted by agreement, for their adjustment. And their decisions would be more or less binding according to the terms and conditions, under which the reference was made. In other respects, their measures would undoubtedly be in a good measure deliberative and advisory, tending to enlighten the dark places of public law, and to point out to nations the path which reason, benevolence and religion prescribe. But would they, therefore, be necessarily less efficacious? Were the reasonings of Grotius, Puffendorf, and Bynkershoek any thing more than advisory? Where were their fleets and armies, the neighing of horses, and the warriors clothed in blood, to enforce the public code which *they* promulgated? They went forth, like the first

preachers of the gospel, armed with the rectitude of their cause. They spoke in the name of reason and humanity, and powerful nations bowed at their voice. If individuals could do so much, what can not a Congress of Nations do, with the increased influence, which will necessarily attach to their position?

2. It may be further objected, that the interests of truth and justice will not be secured, in consequence of the undue prevalence of national partialities and predilections. We do not pretend to deny, that there is some weight in this objection; and we will even admit, that intrigues and cabals may be expected to exist at times, and that occasionally the claims of justice will be outraged, and the ends of justice frustrated. On every side, there are too many evidences of human delinquency pressing on our attention, to permit us to anticipate otherwise. And yet we apprehend, that this objection intimates to us merely an incidental evil, what logicians might call a FALLACIA ACCIDENTIS; and that it no more proves the actual impracticability and inutility of a Congress of Nations, than the conflicts of different sects and the cruelties of persecution prove the inutility of the Christian religion, whose benefits for a single day outweigh the accidental evils connected with it for an hundred years. The history of the successive congresses that have been held, tends to confirm what has now been asserted. Undoubtedly cabals have existed and intrigues have been practised; and still congress after congress has been held, in the firm belief, notwith-

standing the various incidental perplexities, that they furnished the readiest, and perhaps the only practicable method of settling existing difficulties. Sovereigns and nations have consented to take the good and the evil together; and have not been willing to reject the benefit, because with the gold there happened to be some admixture of alloy.

3. Again, it may be further objected, that the organization of the proposed Congress will be found difficult and perhaps impracticable, in consequence of the great inequality of the nations proposed to be represented in it. As the nations represented in it are all independent, the smaller states would naturally claim an equal vote with others, however superior they might be in power and influence; and we could not rationally expect the great powers would consent to such an arrangement, which would place in the hands of their inferiors the decision of questions involving the most important consequences. But the difficulty, though a serious one, is not insuperable. The Achæan and Amphictyonic leagues, the German confederacy, the Swiss cantons, the republic of the Netherlands, the United States, and the successive international congresses of Europe, have all met this precise perplexity, and at different times and in different ways, have solved it. We may be assured, therefore, that the solution will, in no circumstances whatever, be above the ingenuity of men who come to the task with a disposition to promote the general rather than the partial good. And such a disposition,

to some extent at least, seems to be implied in the very idea of a congress; for it will undoubtedly owe its existence, whenever it shall have one, to the greater prevalence of the conviction, that the time has come for a more decided subjection of such partial interests to the general welfare. This favorable disposition will be aided in the removal of difficulties of this kind, by the consideration that the congress will be essentially consultative, deliberative, and diplomatic, rather than legislative; that it will sit as the expositor of human reason and the friend of human happiness, rather than in the character of a Jupiter TONANS, scattering his thunderbolts and shaking Olympus with his nod.

4. Without delaying to answer all the objections which may be made, we will further remark briefly upon the following, viz., that the results of congresses hitherto have not been beneficial, and in some cases positively injurious. We admit the force of this objection, to a certain extent. Vattel speaks of two congresses—that of Cambray and that of Soissons—as useless, as being mere political farces; and undoubtedly some other instances of the like kind could be named. But we ought to remember, in attempting to estimate this objection, that, within two centuries, about forty congresses, on a greater or less scale, have been held in Europe for terminating wars, settling boundaries, and other international objects. Now, that some have failed of their object, and have been broken up before the conferences led to any

result, as was the case at Cologne, in 1673, or that erroneous principles may have been sometimes promulgated, as was recently done at Laybach, we do not think it worth while to deny. We assert, however—which we feel ourselves entitled to do with perfect confidence—that such instances are few, in comparison with the whole number; and though many of them were held at a comparatively unenlightened period, and often amid the clash of arms, and for limited and partial purposes, they have, nevertheless, been of incalculable benefit. We might illustrate and confirm our assertion, by instancing the Congress of Breda, in 1667, and that of Utrecht, in 1712; but as events so far back would require many things in explanation, we shall merely refer to a recent instance of this kind, which is too well recollected to require any minute and protracted remarks; we mean the recent conference or congress of London, which had the disturbed affairs of Holland and Belgium under its arbitrament. It will be recollected that, in August, 1830, the Belgian provinces, forming a part of the kingdom of the Netherlands, revolted, and set up for themselves. This was, of course, the signal for a war between the Belgians and Dutch; and when we consider that the inhabitants of these two nations belong to different sects in religion, and have always been unfriendly and jealous, there was every reason to anticipate a fierce and embittered contest. It was easy to foresee, also, that France would speedily be embroiled on the part of the Belgians, and Prussia on

the part of the Dutch; a state of things which might be speedily followed by the unspeakable miseries of a general European war. No person, in the least acquainted with the facts in the case, will presume to say that there was any reasonable prospect of avoiding a general war, except by the mediation and authority of a conference of nations. The Dutch felt themselves aggrieved, and were not disposed to listen to such terms as would have been acceptable and indispensable to the Belgians. The French nation were, from various circumstances, strongly attached to the Belgians, and would never have seen the Belgian provinces subdued, without assistance. It was under these circumstances that the conference or congress of London assembled, with a determination to prevent a war in Europe, and at the same time secure a just arrangement of the existing difficulties between the two nations more immediately concerned. The result of their protracted and anxious deliberations was, that they settled the limits of the Dutch and Belgian territory; regulated the navigation of the rivers of Flanders, of the Scheldt, and of the canals traversing both countries; directed the method of payment to Holland of the expenses incurred by her since November 1, 1830; made provision for the disposal of their property by those who wished to emigrate from one country to the other; established a commission for the liquidation of claims; and secured a general amnesty for past political offences, besides regulating other matters, and securing other

objects of a subordinate nature. And what friend of humanity will not rejoice at such wise and peaceful procedures and results, which stopped the effusion of blood, and prevented a commotion among all the nations of Europe, which would have been attended with immeasurable horrors and sufferings! There may be less of noise and eclat in these transactions, than if there had been an immediate resort to war and bloodshed, but in the eye of Heaven and in the eye of the philanthropist, they meet with their reward.

But it ought to be remarked that there is much difference between the proposed Congress of Nations, and the greater part of the European congresses which have ever been held. The latter have generally been formed on a small scale, and limited to a few nations; they have ordinarily been held in a time of war, and under all the unfavorable circumstances incident to a state of national hostility; and as might be expected from these facts, they have too often been employed merely as the means of relief from the present pressure and suffering, rather than for the promotion of permanent justice and peace. Now we propose a congress on a broader scale; one which shall include America with Europe, and neutrals as well as belligerents; which shall be the offspring of peaceful times and peaceful intentions; which shall have a prospective bearing and shall powerfully tend to prevent evils, as well as remedy those which have already occurred. Instead of an imperfectly

organized body, the occasional result of violent and protracted conflicts between nations, we wish to establish a tribunal on benevolent, just, and fixed principles, to which the whole world may resort on difficult emergences, which would otherwise result in war. And if beneficial results have undoubtedly followed from the successive European congresses, we may rationally expect, under more favorable auspices, an augmentation of benefits; and that the record of history will run, not merely that such and such a war was terminated by a congress, but that the congress prevented the occurrence of the war.

CHAPTER VII.

CIRCUMSTANCES FAVORABLE TO AN INTERNATIONAL CONGRESS.

It must be obvious to every one, that the circumstances of the age in which we live are favorable to the projected congress. Some of these favorable circumstances we will proceed to notice.

1. And one of the most striking which arrests our attention is, the great advancement of the people in nearly all civilized nations in power. Hardly a century ago, and nearly all power, with the exception of a few unimportant republics, was lodged in the hands of the supreme executive, the prince, king, or emperor. It seems to have been a general sentiment, and to have been generally acted on, that the prince was born to rule, and that the people were created merely to obey. In the public and political measures which were taken, whether for good or for evil, the people but seldom came into the account, and were but little thought of.

But an unexampled change has taken place in these respects. Within a century past, there has been a most wonderful diffusion of general knowledge. In particular, there has been a rapid progress in civil and political knowledge; and it is probably in this species of their advancement in knowledge, that we are to look for the explanation of the people's rapid advance-

ment in political power. In the nature of things it seemed impossible, that they should understand the true foundation of civil and political rights, and not understand the secret of their own strength. They clearly saw, if thrones had any foundation at all, they were built upon the people's will. If principalities and dominions arose above them like mountains, they felt in their own bosoms the kindlings of the volcano, which could expand and shake them to atoms.

But the people, having come to a right understanding and full perception of their power, have seldom been disposed to exercise it in any exceptionable way, provided suitable and seasonable attention has been paid to their rights. Sometimes their strong desires for freedom and representative government have broken out in acts of violence; but generally they have preferred to wait with a patient, yet confident, hope in the ultimate consummation of their wishes. Sometimes their wishes have not only been acceded to, but their rights have been explicitly acknowledged in the concession. Sometimes constitutions have been given by the sovereign, under the denomination of *octroyees* or grants; but the mere mode of the presentation is of but minor consequence, since such constitutions or grants are evidently extorted by the wants and desires of the people; and when carefully examined, they will be found to involve all the requisites of a contract between the sovereign and subject. In many other cases, the people have had a direct agency in forming them. During the last half cen-

tury, besides some temporary and abortive attempts, there have been more than eighty new written constitutions established in Europe and America; and about one hundred millions of people are said to be ruled by them.

2. Another favorable circumstance is, the great progress which has been made in the various departments of science and the arts. The situation of the world in this respect is very different from what it was a few centuries ago. If scientific knowledge is power in other respects, it is power also (which is perhaps not quite so obvious at first), in respect to the political movements of the world. The control which man, in the exercise of the powers Providence has given him, has been able to obtain over the various forms and energies and processes of nature, has reacted upon himself, and accelerated his civilization. He has ascended rapidly in the scale of being, and with feelings of worthy pride looks downward on his former low estate.

In these remarks, it will be observed that we have not reference so much to the general spirit of inquiry and general diffusion of knowledge which has already been spoken of, as to advancement in particular arts and sciences, and to discoveries in them of a marked and prominent character. We may perhaps illustrate what we mean, by a reference to the discovery of the properties of steam, and the application of those properties to purposes of navigation. It must be obvious, that these discoveries and inventions have in effect brought provinces and nations much nearer to

each other, than they ever were before; and while they have rendered much more rapid and easier the intercourse of men with each other, they have at the same time greatly increased that intercourse. By means of steamboats, canals, railroads, and telegraphic communications, the transactions in one part of Europe are immediately made known in another, even those that are most distant; so that the different nations of Europe, for this as well as for other reasons, have begun to assume the appearance of a single and closely connected family.

But perhaps a more satisfactory illustration of the connection existing between improvements in the sciences and arts and political melioration, may be found in the invention and the progress of the art of printing. It is owing to this wonderful and blessed art, that whatever is said, beneficial in its consequences and worthy of being repeated, is immediately circulated through the world. The channel of communication, furnished by the press, has in fact become a great and curious ear of Dionysius, through which the conversations in the extremities of the world, and even the slightest whispers, are collected and rapidly reverberated to our own firesides and homes. In many respects, England in particular, and France, and Italy, and the Germanic states, have become a common country with ourselves. In consequence of the increased facilities for printing and for the circulation of what is printed, we are enabled to listen to their debates, to take an interest in their discussions, to become acquainted with their discoveries, and to

examine their plans for the promotion of the public good. In these respects, and in others, we are beginning to be one. The separating tendencies of a difference in clime and in language are yielding to the affinities of intellect, and the gentle attractions of the heart, which have resumed, in some degree, their natural and appropriate influence, in consequence of the intercommunications of the press. And it must be evident, on the very slightest reflection, that such a state of things is exceedingly favorable to the proposed Congress of Nations. Their power, supposing such a body to be constituted, will be essentially of a moral kind; moral power depends upon the communication of truth; and this communication depends upon the press.

3. A third favorable circumstance is, the extension of the representative principle, and the establishment of representative governments. This favorable circumstance has already been incidentally alluded to, in the remarks on the increased power of the people at the present day. In a large majority of the written constitutions which have been recently established, the representative principle is recognized, although it is sometimes subjected to unnecessary restrictions. The principle of representation, as it is put in practice in France, and Great Britain, and particularly in the United States and the other American republics, may politically be regarded as the grand discovery and the prominent characteristic of these later times. When it shall become a little more extended, and be more fully brought into action, it seems destined to operate

a change in the policy of nations, in the highest degree favorable to the welfare of the people. That part of the representation which is drawn directly from the people, will feel it a duty to become acquainted with their wants, sufferings, prejudices, and just claims. Operating in this way, and virtually introducing the people themselves to a direct share in the government, the right of representation will prove of vast benefit. The policy of nations has hitherto been essentially belligerent; but popular representation will be adverse to this policy, and, in the same proportion, will be propitious to the great objects which a Congress of Nations proposes to secure. It is not true, and it cannot be satisfactorily shown, that the great mass of mankind are at all disposed to promote those ruinous contests which have blighted and cursed the earth. They have the feelings of men, and they cannot see the reasonableness of persecuting and putting to death those who bear the same image. And it certainly does not tend to remove their impressions of the absurdity of these measures, when, as a consequence of them, they find their children bleeding and perishing, and their substance eaten up with taxation. The people, therefore, may confidently be set down as entertaining feelings favorable to pacific policy, commercial intercourse, and light taxation; and the principle of representation, when fully developed, will not fail to give vast expansion and influence to their wishes.

4. Another favorable circumstance of great importance is, that the public mind is in some degree

prepared for the establishment of a Congress of Nations. Every great political movement requires a preparation of public sentiment; and if such preparation be necessary in the establishment and changes of a single nation's internal administration, it must be equally necessary to effectuate the institution of a supervisory administration, destined to embrace all nations. Without the favor of public sentiment, it could not possibly be done. We do not say, there is a complete preparation in this respect; we know it is otherwise; but we do not hesitate to assert, that public opinion is setting in the right direction, and that there is an approximation to the standard, which we wish it to establish. Many circumstances have led to this approximation. Civilized nations are already familiar with the name and the general nature of a congress established for international purposes. For two hundred years they have witnessed the sessions of such assemblies; and although the subject is presented in a new form, it does not come arrayed in perfect novelty. They have seen the effects of these assemblies in their measures, and with some undoubted exceptions, have looked upon them as beneficial.

Furthermore, as far as Europe is concerned, there is a basis laid for a permanent congress, not only in a favorable public sentiment, but especially in the condition of the European states, considered in relation to each other. The nations of Europe, closely united together by other circumstances than that of mere proximity, have the appearance of a single commonwealth. Differing greatly in extent and power,

the smaller states naturally cling to the more powerful for protection; and these last are so situated, and so equally balanced against each other, that one cannot move greatly out of its accustomed orbit, without disturbing the equilibrium of a long established system. This peculiar and complicated state of things, which historians have imperfectly indicated by the phrase, *balance of power*, extending over numerous watchful and rival millions, and checked and controlled in its operations in a multitude of ways, evidently requires, in order to be kept in action and its proper position, the constant practice of consultation, supervision, and advice. The history of the past all tends to warn against supineness and want of watchfulness. The unchastened ambition of princes often leads them into measures at variance with the dictates of reason, justice, and prudence. At one time, the equilibrium, so essential to the safety of all the states, of whatever grade, is put at hazard by the arms and the policy of a Charles the fifth; at another time by the ungovernable ambition of a Napoleon, who aims to unite principalities and kingdoms in his own person, and to plant the pillars of an universal monarchy. The necessity of constant circumspection and intercourse, for the purpose of maintaining the appropriate arrangements, or adjusting them when out of order, necessarily gives frequent occasion for international assemblies, justly entitled to the character of conferences or congresses.

5. A fifth favorable circumstance is, the marked change which has taken place in the sentiments of

all classes on the subject of war. Previous to the commencement of the present century, a decided expression, adverse to the continuance of war, and in favor of the prevalence of peace, could scarcely be made by any one, without his incurring the imputation of weakness and folly, unless perchance it was met by utter indifference. The right, and even the utility of war were scarcely considered open and debatable questions, since they were found to be so universally patronized by those in high places, no account of course being made of the lower and middle classes, on whom the curse fell with every possible variety of infliction. But the principle of representation has given to these classes the power of speech; and the power of speech has called into exercise the power of inquiry, reflection, and reason; and a voice, unheard before, has come up, as if from the vast depths, loud and terrible, that war shall be no more. It is not merely the suffering multitude, the millions who bear the toil, the burden, and the blood, that begin to speak out on this all-important subject. We have now, in opposition to the practice of war, the opinions of men high in authority, placed in elevated stations, rich in this world's wealth, and rich too in the treasures of learning and prudence. They have heard the groans of their fellow-beings, and the heart of sympathy has been moved within them. The open and avowed advocates of peace, in the various classes of society, have increased an hundred fold, and the increase of boldness, intellectual power, and consistent zeal has corresponded to

the augmentation of numbers. And why should we not expect it to be thus, when any considerable body of men is brought to reflect on the subject? What source of misery, which is under the direction and control of man himself, can be compared to this? When some terrible disease advances from country to country, when the seeds of the pestilence are scattered abroad by the Almighty, it becomes us to bow in submission and to hide ourselves in the dust before that holy Being who knows our ill deserts, and whose secret ways are inscrutable to man. But, in the devastations of war, it is not an almighty Being, whose prerogatives we are not at liberty to question, but one of the feeble, erring creatures of his footstool, that seizes the burning thunderbolt, and scatters it through the world. And what renders the act the more astonishing, it is not the mere impulse of an unforeseen frenzy, the ebullition of a momentary madness, but a matter of calculation and cool reasoning, and carried on in the very face of Heaven, and in defiance of the divine precept, "Thou shalt love thy neighbor as thyself."

But it is well ordered in providence, that criminal principles and practices do not fail to expose themselves, and ultimately to work their own cure. The cries of widows and orphans had been heard from every quarter, mingling on every breeze, but they were too little regarded. The symptoms were at last observed of a great political commotion; the clouds came; the thunders muttered; the lightnings gleamed; there was a quaking and rocking of the

earth, and then there suddenly opened the grand volcano of the French Revolution of 1790, to the wonder and bountiful edification of all the advocates of war. At that dreadful period, there were certain experiments, which had a wonderful effect in enlightening the sentiments of some classes of people. It was found that the glittering sword of war could strike upward, as well as downward; among the high and the mighty, as well as among the poor and powerless peasants. The scythe fell upon the neck of princes; those, who had been clothed in purple and fine linen, were arrayed in beggar's rags and ate their crumbs in a dungeon; the innocent children died with the guilty fathers; delicate women, the delight of their friends and the ruling star of palaces, were smitten by the hand of the destroyer, and bowed their heads in blood. And then were beheld the hundred guillotines, the horrid invention of the fusillades, the drownings in the Loire, the dreadful devastations of La Vendee, the gathering of armies on the plains of Italy, the bridge of Lodi, and the battle of Marengo.

These were the beginnings of terrors, the opening of the incipient seal; but the end was not yet. For twenty successive years, the apocalypse of the book of war opened itself from one end of Europe to the other, and on the ocean as well as on the land, in the thunders and fires which at once shook, and enlightened, and awed the world, of the Nile and Trafalgar, of Jena and Austerlitz, together with the dashing of throne against throne, and of nation against nation. At length the "white horse of death" was seen taking

his way through the centre of Europe, and power was given to him to kill with the sword and with hunger; and he was followed by "the beasts of the earth," an army of five hundred thousand soldiers; and they were all offered up as victims on the frozen fields of Russia; and the Kremlin, and the ancient and mighty city of Moscow were burnt upon their funeral pyre. The earth shook to its centre; a howling and a lamentation went up to heaven; the living ate the dead, and then fed upon their own flesh, and then went mad; the wolves and the vultures held their carnival, while Rachel wept for her children, and would not be comforted. Nevertheless, the sickle of the destroyer was again thrust among the clusters; the wine-press of war was trodden at Dresden, and Leipsic, and Waterloo, till the blood "came out of the wine-press, even to the horse-bridles."

After these dreadful convulsions were brought to a consummation, men began to pause and reflect. They witnessed around them a perpetual desolation; the noble and the mighty fallen from their high places; the poor made poorer, and ground into dust by taxation; families of all ranks mourning the loss of husbands, brothers, sons; the culture of the earth interrupted, and the once happy cottage and its vineyards all laid waste. And they very naturally asked, Why is all this? Why have we been destroying each other, and making ourselves miserable? Their eyes were opened, in some degree, to their own dreadful infatuation; they saw and they lamented their exceeding folly and crime. We may now assert

with confidence, although there is an infatuated party in Europe in particular, who are doing all in their power to urge nations once more into the dreadful career of violence and bloodshed, that the great mass of reflecting and judicious men are in favor of peace; they shudder at the thought of a renewal of the horrors of war; they behold, in such renewal, unsearchable misery to the great multitude of mankind, without the compensation of a single benefit to any one, excepting a few ambitious chieftains, who are heartless enough to place the paltry glitter of their epaulets in the balance against the sighs, and groans, and tears, and blood of agonizing millions.

Since the beginning of the world, there has never been so favorable an opportunity for a great movement for the promotion of universal peace. There is a general pause among the nations, an awakened expectation, an earnest hope of some permanent good; at the same time a doubt and hesitation whither to turn their course, a fearful looking for of the return of past evils, with a desire to avoid them; and, if we can rightly read the signs of the times, like men in great perplexity, who know not where to place the basis of their hopes, they would hail the proposition of an international congress as a solace for the past, and a joyful harbinger for the future.

CHAPTER VIII.

CONCLUDING REMARKS.

We now leave the subject to the serious and judicious examination of all classes of persons. If they will but recollect the relation they sustain to their Creator and the human race, and are inspired with the sentiments suitable to such a consideration, we shall not fear the results of their examination. We are not ignorant that the heart has something to do with this subject, as well as the intellect; that it is not a mere mathematical problem, which is to be solved solely by the *plus* and *minus* of the head, but appeals, in part at least, to the instinctive intuition of the powerful logic of the affections. We do not presume to ascertain the duties of men, as we would investigate the properties of a circle, by a process of pure abstraction, without an infusion of our own feelings, or without a consideration of the nice and variously operating sensibilities appropriate to human nature. If a man asks for bread, will you give him a stone? If he asks a fish, will you give him a serpent? And why not? Is it the result of a cold and accurate calculation, or simply because you are yourself a man, and feel as a man? This is the inspiration of sentiment, the deduction of the heart; and we do not hesitate to say, that on this whole subject,—not only that of a Congress of

Nations, but on war and peace in general,—we are bound to recognize, and cherish, and appeal to the prompt and unerring intimations from that source.

In quitting this subject, however, we cannot withhold the expression of the hopes, which its consideration tends to cherish. There are, no doubt, obstacles which force themselves on the attention, but there are encouragements still more obvious and decisive. The necessities and sufferings of mankind, the inefficiency of existing means of redress, the experience of past ages, the deductions of reasoning, the prophetic anticipations of benevolence, the opinions of wise and learned men, the advancements in civilization and freedom, all seem to point in one direction; all seem to be verging to a common centre. Some of the grounds of encouragement have already been made the topics of remark; and we do not feel at liberty to suppress the hopes they inspire. Even if it were a delusion, we should be almost inclined to indulge it for the happiness it imparts; but it is not. And we have the more reason to think it is not so, when, in connection with the considerations already presented, we take into view the encouragements from another and far higher source. We cannot easily rid ourselves of the impression, that the religion of the Bible, so pure and beneficent in its spirit, imperiously requires some further movements and developments in the societies of men, which can be realized only in an established Congress of Nations. We trust that no philanthropist, however he may have been cheered by the progress of society for some ages past, will permit

himself to indulge the belief, that it has reached the consummation of its improvement. It is certain, that the Bible holds out far more cheering prospects than we have yet been permitted to witness; the more general diffusion of knowledge, the universal restoration of peace, the enlargement of a benevolent spirit, the liberation of the prisoner, the increase of purity and faith throughout the world. And how are these cheering results to be secured? Not only by prayer, reflection and action; but by concert of prayer, communication of thought, and unity and concentration of action; by inducing men to feel, to reason, and to strive together. Is not, then, a Congress of Nations one of the means which Providence and the word of God clearly point out?

In our estimation, such an assembly would be the most pleasing and decisive commentary on the purifying influences of the gospel, from which influences alone, as felt in the conduct of Christians, in conversation, and in the well-wrought issues of the press, it would result. It would present itself as an object, fitted to enlist the regards of all men. The philosopher would mark it, and pronounce it good. The Christian in all countries, from his home on Alpine heights, and from his dwelling-place in the humble valley, in the secret chambers of religious meditation, and in the companies of the noisy and restless world, would turn his eye to this grand assembly, and feel that prophecy is fulfilled.

Let us indulge the inspiration of so great a theme. Let us place before us this universal parliament, which

contains in itself the extract and the essence of the wisdom of all climes. And how gloriously it strikes upon the sense, and amplifies and fills the imagination! When the rude Gauls entered the city of Rome, and saw the venerable senators seated in silence to receive them, they were filled with admiration at the dignity of their appearance. They read, in their staid countenances, and motionless lips, and marble brows, a stern integrity, and a patriotic devotedness to their fallen country; and the hearts of the barbarians were strongly moved.

But the Congress of Nations is not a silent assembly; it speaks to the sight, but it speaks to the ear also. And in what a voice! With what depths of research and learning! With what profound and harmonious eloquence! England sends her Fox and Pitt, her Cannings and Broughams; France, her Foys and Manuels and Constants; Prussia, her Hardenberg; regenerated Spain, her Arguelles; and our own beloved America, her Franklins and Jeffersons, her Madisons and Marshalls. Would not such an assembly command the attention of the world; that broad, deeply interested world, which they would have for their audience! Would not the voice of war, always ready to break out in threatenings and blood, grow silent at their frown! Would not wisdom emanate from their lips, which would enlighten the obscurities of public law, and spread an effulgence over the too long perplexed and darkened pathway of nations! As in ancient times, distinct and powerful

communities resorted to the senate of Rome for the settlement of their difficulties, we should now see nations, powerful in arts and in arms, resorting to them for their advice; but they would come to a purer and more exalted tribunal. Their jarring differences are settled; their drawn swords are returned to the scabbard; and they go back to their hills and valleys, their vines and their fig trees; and beside the cool fountain and the overarching shade, and around the domestic hearth, no longer visited by sudden and cruel alarms, they celebrate the dominion of peace, and the triumph of universal justice.

E S S A Y

ON A

CONGRESS OF NATIONS,

FOR THE ADJUSTMENT OF INTERNATIONAL DISPUTES, AND FOR THE PROMOTION OF UNIVERSAL PEACE, WITHOUT RESORT TO ARMS.

BY A FRIEND OF PEACE.

E S S A Y.

To attempt the overthrow of a custom like that of war; to undertake to change the fixed order of things, and to introduce a substitute exactly the reverse, and most novel in its kind, seems visionary indeed. But when we consider the progress of the human mind; the improvements in the moral and political, as well as in the physical world; the abolition of various barbarous and inveterate customs; the incongruity of war with civilization and refinement; and, above all, the positive declaration of Scripture, that wars shall cease; we may gird ourselves for the great task before us with every prospect of success.

In an Essay like the present, it would be highly desirable to bring vividly before the mind the countless and terrible evils of war, to excite the proper feelings with regard to the remedy to be proposed. But a volume would scarcely suffice to give even an index of those evils,—the immense sacrifice of life, and property, and happiness, and prosperity; the fearful increase of vice, and crime, and barbarism, and ills of

every kind, that cluster in the trail of the mighty ravager. Suffice it, then, to consider the means of preventing those evils,—evils admitted and deplored by all, and which, therefore, need the less to be portrayed.

I shall not, in this Essay, deny that it is lawful for nations to insist on the security of their rights. I shall not propose, as the present substitute for war, the doctrine of national non-resistance. I know full well that, in the existing state of society, such a proposition would render the very efforts in favor of peace an abortion. Nations, for the present at least, will insist on their rights, and obtain them by force, unless they can have them by other means. And so will individuals in general, whatever may be the case with the few. Now, as in the case of individuals the means of the adjustment of their difficulties are provided, without resort on their part to violence, so let it be in the case of nations. For want of something of the kind, in the latter case, war has continued, while private conflict has been in a great measure prevented. It will, therefore, be my great aim, to show in what manner the rights of nations can be at least as well secured without war as with it. This shown, the plea for its necessity is removed, and its abolition insured.

And at the very outset of the inquiry, it strikes me as one of the clearest cases conceivable, that nations that are parties to a dispute should not also be judges, but should refer it to a third party, as is done in the case of individuals;—and for the very obvious

reason, that an interested party should not be judge in its own case.

But here arises a very natural objection, viz., whether the decision of this third party would always be correct. Perhaps not always; but it would be far more likely to be so, than if made by either of the parties concerned, or by an appeal to the sword. For what justice is there in prejudice and passion? What reason in physical force? Suppose, then, a correct decision should not always be made, it cannot be doubted that it would be made much more generally than it is now; nor will it be denied, that were it to be made no oftener, it would, nevertheless, be the duty of nations to adopt this method, rather than that of war. Individuals are not always sure of justice, and yet they refer their disputes to others, rather than resort to private war. How much more ought nations to do this, rather than resort to public war, an evil so much greater than the other!

War pays no regard to the merits of a case. Its rule is *might*, not *right*. But arbitration has respect to those merits. Again: the stronger party being more likely than the weaker to be the aggressor, a resort to war renders it probable that the injured party will receive additional injury, instead of obtaining redress; whereas, by arbitration, redress would most likely be obtained. In cases where the two parties are nearly equal in strength, they generally decide nothing by resort to war, and both receive great injury. Arbitration, in such cases, would effect a decision, and prevent the injury. In cases where the

stronger is the injured party, although redress is generally obtained by war, how hard the way of obtaining it! Justice, to be complete, should be obtained without such a sacrifice; and arbitration would accomplish this end. War, by which the parties dictate to each other, and endeavor to enforce their dictation, is an infringement of the independence of nations. Arbitration respects this independence, by offering nothing but friendly counsel. War affords the strong an opportunity to oppress the weak, and the ambitious to pursue their schemes of conquest and aggrandizement. Arbitration is the best possible protection of the defenceless. In short, every reason that can be urged in favor of individual arbitration, and against individual violence, can be pressed with as much greater force in favor of international arbitration, and against war, as the evils of war exceed in number and magnitude those resulting from individual violence.

It will be urged, that nations and individuals are differently circumstanced, the latter being mere subjects of government, the former independent and supreme; and that it would be derogatory to their independence and supremacy, to submit their disputes to the umpirage of third parties. But in what sense are nations supreme? Surely they are not above moral obligation. They are not independent of the law of nations. They are not at liberty to encroach on the rights of others, nor even on the rights of the humblest of their own citizens. Each nation is one of the community of nations, and is under certain

obligations to the rest. No nation can therefore be said to be absolutely independent and supreme. Now, nations, being under certain obligations, and being composed of frail and fallible human beings, are liable to do wrong; in which event, there is all the need of arbitration that exists in the case of individuals.

We have now, I think, established two propositions on an immovable basis; viz., that the most probable way of ascertaining which is the aggrieved party in an international, as well as in an individual dispute, is, to refer it to a third party; and that nations, as well as individuals, being fallible and frail, can, consistently with true dignity, refer their disputes in this manner.

But it is not merely the principle of national reference and arbitration that we are to consider; we are likewise to inquire into the best mode. And here too, we are furnished with a precedent in the case of society.

In the infancy of the world, each individual, as we will suppose, was his own sovereign, and judged for himself. This state of things produced perpetual collision and strife, and "the earth was filled with violence." As a remedy for this intolerable state of things, men resorted to arbitration, referring their disputes to temporary arbitrators, selected for each occasion. This expedient, though far preferable to personal violence, was found by experience to need improvement, inasmuch as the decisions of arbitrators were governed, not by any settled rules, known and recognized beforehand by the parties, but by their own views of right and wrong, which was tantamount to *ex post facto*

law. The very obvious improvement next suggested itself, to establish rules or laws for the regulation of society, by which each individual might know beforehand how he was required to deport himself, and be judged accordingly. But as new cases were continually arising, to which the existing laws were inapplicable, it became necessary, from time to time, to make additions to the laws, in order to meet those cases. These laws were variously enacted; in some instances directly by the assemblies of the people, in others by their elected representatives, and in others by their sovereigns. It was at length found, that laws themselves were liable to various interpretations by different individuals, thus leaving men still without a sure guide to their conduct. This led to the final step, the finishing touch, in jurisprudence—the establishment of permanent courts of judicature, whose special business was to trace the windings and explain the intricacies of law, and to form, by an unerring body of precedents, a rule of duty more clear than any mere law could be.

By the foregoing view of the nature of law, and the experience of mankind on the subject, we perceive at once the most eligible mode of arbitration for nations. After all the attainments of men in the science of government; after having carefully felt their way, step by step, to the proud eminence whereon they stand; they surely need not make the long and weary pilgrimage again, in their international capacity. At a single stride, they may rise at once from the international barbarism of brute force, to the

international refinement of a tribunal, to digest and prepare a regular code of international law for the observance of nations, and to determine by that law the merits of their disputes.

If it is indispensable to society, that civil law be expressed in the form of a code, how great the necessity of having an international code. "The law of nations," says Vattel, "is as much above the civil law in its importance, as the proceedings of nations and sovereigns surpass in their consequences those of private persons." How plain, how explicit, then, ought the law of nations to be! How guarded at every point! How well established its principles! And what but a Congress of Nations can place it in this condition?

Already is there existing what is denominated the law of nations. But it is far indeed from meeting their exigences. In the first place, it is unlike any thing else denominated law, being but the general opinion as to the propriety or impropriety of certain acts of one nation towards another; just as it would be in society were there no laws, and no standard of duty but public opinion. Nations, then, after all we hear relative to this law of theirs, are precisely in the condition of a community having no code of law. They have, indeed, certain admitted principles of national rectitude, as a community without law would have; but these admitted principles are few, the writers on the law of nations disagreeing on many points, and leaving many others wholly unprovided for. Nor is this a matter of wonder. Nay, it would be a subject of profound astonishment, were it

otherwise. Just consider the nature of the case. No mere individual is competent to the production of a code of law satisfactory in all respects to a single nation. The concentrated wisdom of the nation is put in requisition for this purpose, and even this is scarcely sufficient. How, then, is it to be expected, that any one writer on the law of nations can produce a satisfactory code of this description? As the congregated wisdom of a nation is requisite to form a suitable code of law for itself, so the congregated wisdom of the world is requisite to the formation of a code for itself —and equally necessary to the weight and authority of that code. Hence the difference of opinion between the writers on the law of nations, and the difference of reception with which their writings meet in different countries. Most assuredly, then, if nations are to have an international law or rule,—nations, whose interests differ as widely as their localities,—it needs, I think, no additional argument to prove, that they need a tribunal, composed of delegates from all parts of the world, to digest and prepare a well-balanced code, and to explain and apply it, from time to time, as occasion may require. And do they not, in their recognition of what they denominate the law of nations, virtually admit their obligations to one another, and the consequent propriety of a specific code designating those obligations?—and of a competent tribunal to prepare, expound, and apply it?

It will, perhaps, be objected, that such a tribunal might be partial. Partial to whom? Would not all the nations recognizing its jurisdiction be represented?

Would there not be a balance of interest? a balance of power? an equilibrium in every respect? It would be no coalition of despots against the rights of man, no self-created umpire, dictating to those who did not recognize its authority, and exercising powers with which it was never invested. But it would be the representative body of the nations composing it. As well, therefore, might it be contended, that the Congress of these United States, composed of representatives from every state, would be likely to incline to partiality in favor of a particular state against another. Perhaps it will be said, that the United States' Congress, that is a majority, is partial in certain respects. Admitted, for argument's sake. Yet, notwithstanding this supposed partiality, is it not, on the whole, considered better to have a congress, than not to have one? Why then should this objection be urged against the establishment of an international congress? and the more especially, when the character of the individuals who would compose it, and the circumstances under which they would be placed, are duly considered. It is not to be supposed that nations, engaged in such an enterprise as the preservation of the peace of the world, an object the most sublime and godlike that was ever conceived by man, would depute for its execution men who would stoop to shuffling and intrigue. No! They would commit this mighty work to the master-spirits of earth; to their Franklins, their Broughams, their Broglies. Think ye, there would be bribery, intrigue and partiality in such a tribunal? Think ye, that by the

consent of such men, with their reputation at stake before the whole world, before all succeeding generations, one nation would be permitted to outrage the rights of another? So far from this, such a tribunal would be the greatest possible safeguard to those rights; so much so, that the principal obstacle to its establishment will, no doubt, be found to consist in the opposition of those who wish for an opportunity still to gratify their ambition by war and conquest.

There cannot be a doubt, that the proposed Congress would be the most distinguished for impartiality and justice, of any tribunal on the wide earth. If men could not confide in this Congress, they could not consistently confide in any tribunal under heaven; could not consistently commit their government to the hands of rulers; could not consistently live together in communities, and confide in one another. If any earthly tribunal that can be conceived would be worthy of confidence; if nations can confide in civil government; if man can trust man; then would our Congress of Nations be entitled to their highest consideration. There might, it is true, even in so august a tribunal, be the influence of conflicting interests. It might be for the interest of one nation to decide a dispute one way, and another another. This would hold in suspense the scales of justice, till the honor and integrity of the disinterested nations would add their overwhelming weight to the balance, which would quickly swing aloft the opposing scale. How is it that nations do not now become partisans in every dispute between belligerent nations? Have

we, in all our international difficulties, had the least cause of complaint in this respect against neutral nations, on the ground of our political institutions? Have we not referred certain disputed points between the British monarchy and ourselves to royal and imperial decision?—to the decision of one crowned head alone, with no balance of interest to insure impartiality? Have the South American republics been compelled by the monarchies of the world to succumb to monarchical Spain? Is not Switzerland permitted, in the very heart of monarchical Europe, to pursue unmolested her own republican course? Something then, whether it is the balance of interest, or the balance of prejudice, or whatever it may be; something makes the nations of the earth generally impartial in the cases of belligerent nations, and secures a righteous verdict in the chancery of mankind.

A council composed of the statesmen, the sages, the master-minds of earth, having nought to divide their attention, and acting in accordance with a well-digested code, would be as much superior to a temporary, individual arbitrator, looking uncounteracted to his own interest, burthened with the affairs of state, and having to form a decision under the disadvantage of unsettled principles of international law, as can well be conceived.

The establishment of a system of international arbitration, and of a Congress of Nations, would likewise have great advantages over mere temporary arbitration in other respects. Let it be the understanding, that nations are uniformly to refer their

disputes, and let there be a tribunal established to which to refer them, and the various powers would then feel safe in making a great reduction of their naval and military forces, and arbitration would be resorted to without waiting for war to commence. Whereas, without any such system and organization, arbitration being only occasional, it is seldom resorted to till after the commencement of hostilities, and then but occasionally, just as chance or caprice may happen to direct. Under such circumstances, peace cannot be insured. Governments will not feel safe in reducing their forces, and thus will the war-system continue.

I have now, as I conceive, established an additional point in this investigation, viz., that nations should not only refer their disputes to arbitration, but that they should have a regularly organized tribunal for that and other kindred purposes.

But can they be induced to adopt this measure? Admitting it to be reasonable, to be desirable, to be altogether for the best, will mankind, all depraved as they are, consent to such an arrangement? I shall undertake to maintain the affirmative of this question.

We find in society laws for the promotion of the common weal, with penalties annexed to their transgression, and force sufficient to inflict those penalties. We find tribunals for the adjustment of individual disputes, and all but a few recreants appealing to them, instead of force, for this purpose. We find hospitals for the sick, asylums for the unfortunate, schools and universities for children and youth, and,

in short, institutions of numerous sorts, looking to the benefit of human kind. And when we consider men in their international capacity, also, we find them binding themselves by treaties; recognizing certain principles as the law of nations; securing to small states their independence; preserving the balance of power; and, above all, occasionally referring to arbitration their cases of dispute, and actually holding occasional Congresses of Nations on a limited and imperfect scale.

It will be objected, that though this state of things has obtained in society, and among nations, yet, that war still continues; thus proving, that the principle that has accomplished so much, is unequal to the task now proposed. But this objection overlooks the progress of improvement. It very incorrectly assumes, that whatever is not already accomplished, never will be. It forgets the many barbarous and inveterate customs of long standing that have been abolished; that formerly, men fought with wild beasts, and cut one another to pieces by thousands, for the amusement of the public; that individuals were wont, as nations are now, to settle their disputes by combat; that petty wars between noblemen were almost continually occurring, thereby keeping whole countries in a state of agitation and distraction; that, for the trial of title to real estate, personal combat was resorted to; that the test of innocence, in relation to crime, was made to consist in holding in the hand, uninjured, a red-hot iron, walking blindfold and barefoot over nine red-hot ploughshares placed at unequal dis-

tances, or plunging the arm to the elbow in boiling water; that nations sanctioned the slave-trade; that war itself was attended with circumstances of horror and calamity which rendered it a double curse, such as the massacre and enslaving of prisoners, the savage tortures inflicted on them, the captivity of peaceful citizens, with a long train of kindred evils; that even religion was propagated with fire and sword, and men were burnt for opinion's sake; and that monarchs knew neither constitution nor law, but held in their own hands the destiny of their subjects.

If, in the progress of things, such changes have been wrought as the abolition of these customs, why may we not expect the abolition of the custom of war? There was not one of them, the abolition of which, when in its full strength, seemed not impracticable. Without doubt, those were considered visionaries who suggested its practicability. And particularly with regard to two of these customs, they were, in almost all respects, under circumstances similar to those of war. The "barons bold" might have urged the various objections against the reference of their disputes to arbitration, which are now urged in the case of nations. They might have said — they doubtless did say — that it would be a sacrifice of their independence, a surrendry of their rights, a compromise of their dignity, to refer their disputes; that, perchance, the arbitrators would, through mistake or partiality, make wrong decisions, and so on. And private individuals, too, might have said the same in their cases. Indeed, we are informed that when

Alfred the great had expelled the Danes from his dominions, he found his subjects little better than a community of robbers. One plundered another, and the latter plundered the former, by way of obtaining satisfaction. Individuals settled their difficulties by physical force. And Alfred found all the obstacles in the way of establishing juries for the trial of those difficulties, that are now in the way of establishing a tribunal for the adjustment of international disputes. The plan was deemed impracticable and visionary, and men were fearful that they should not always obtain justice. Even after the establishment of juries by Alfred, it was long before their verdict was decisive, in all instances. In important cases, the accused might still appeal to Heaven, by the ordeal of fire and water; and under the Norman government of England, he might challenge his accuser, or the witness, nay, even the judge, and decide the cause by what was denominated the judicial combat. Thus might the guilty add glory to his crime and fresh injury to that for which he stood accused, by taking the life of his accuser,—precisely as nations do, by resorting to war for the settlement of their difficulties. And how those who advocate war can find fault with duelling, it is difficult to conceive. For what argument can be urged in favor of the former, that is not urged in favor of the latter? Will it be said that duellists might settle their disputes by law? Nations, too, might have law, with all its necessary appendages, and settle their disputes in the same manner. Let them, therefore, cease to denounce individual duelling, till they themselves abandon national duelling.

There are, in society, two modes of avoiding individual conflict; the one by non-resistance, the other by reference of disputes to third parties. Which of these modes is the better one, either for individuals or nations, I say not here; but, as has been already observed, it must be obvious that, as mankind are, the principle of non-resistance will not be adopted by individuals in general, or by nations at all. Their rights they will insist upon, and, unless they can obtain them by other means, they will resort to force. Were we at the present day to rely upon the doctrine of non-resistance (how right soever it might be) for the preservation of the peace, even of the community, we should be wofully disappointed. Individual combat in society has measurably ceased; not because one portion of it submits to the aggressions of another, but because a way has been devised to secure them against aggression, without fighting. And this is the only way in which it is reasonable to suppose nations will, at present, desist from war. It is in vain to expect a whole nation, principally composed of worldly-minded men, unresistingly to permit another to overrun and enslave it. Right or wrong, it will not permit this. What will be the prevalent sentiment on this point, when mankind in general shall have become thoroughly imbued with the principles of Christianity, is another consideration. But men will then no more inflict than resist evil, and wars will cease of themselves. The same may be said of individual combat, and every moral evil. Yet, till the arrival of that golden age, we shall need temporary

checks for those evils,—and we apply such checks to all of them, excepting war: why should we wait, in the case of this alone, till the Millennium? But, if we would accomplish any thing in this respect, we must act as we do in the other cases. No wonder that the project of universal peace,—based on the idea of national non-resistance, in the present state of the world, when the propriety of that principle, even in the case of individuals, is not generally acknowledged,—should be deemed visionary and impracticable, and be urged to so little purpose. For my part, I shall propose no such measure, as a present remedy for war. I shall not call upon nations, as a peace measure, under existing circumstances, to demolish their forts, and to dismantle their fleets; to "beat their swords into ploughshares, and their spears into pruning-hooks." Well do I know that such a call, for the present purposes of the cause of peace, would be altogether useless. I say not that it would be wrong. I say not that it is not the duty of men and of nations to practise non-resistance. But I say that whatever may be their duty in this respect, it is premature to expect the peace of society, or the peace of the world, to be now preserved by this means. I therefore propose a measure of a very different character; a measure open to no possible objection that could not as well be urged against all law, and the tribunals of society. And here I would emphatically ask if such a measure is impracticable. I must be permitted to dwell a little on this point, for it is the grand pivot on which the whole subject turns, and the great obstacle

of discouragement to the friends of peace. Men do not attempt enterprises which they deem impracticable, how desirable soever they may consider the objects in view. While, therefore, the idea possesses the public mind that this plan is impracticable, nothing can be accomplished.

There is a great proneness, in the minds of many, to a kind of ultraism, whereby they injure a good cause, by embarrassing it with what does not legitimately belong to it. Thus, some of the advocates of peace deem it necessary, in order to advance the cause, to oppose capital punishment, and personal self-defence, and, in short, to advocate the sentiment of the inviolability of human life, in all cases, not excepting that of robbers, pirates and murderers. I shall not, in this Essay, discuss these points; for, really, they have nothing to do with the subject. The case of personal self-defence when one is attacked; that of the extirpation of robbers and pirates, who are outlaws, and who are out of the pale of human society; and that of enforcing the laws of the land by the execution of the murderer, are concerns very different from the disputes of nations, who are bound one to another by treaties, by commercial relations, and by acknowledged obligations of various kinds. All, therefore, that I have to say to the objector, who asks me what I would do if attacked, and what I would do with robbers and pirates, is simply this: that those cases have no concern with the question of war between nations. Robbers, pirates and murderers cannot be treated with; they

acknowledge no obligations to the human race. Not so with nations. And even the subjects of revolution and civil war are foreign to our purpose. It is not proposed that our tribunal interfere with the internal concerns of any nation. We merely propose that nations settle their international disputes by means of an international tribunal, without war. This is the simple proposition to be considered.

If the question could be put individually to the whole human race, there can be no doubt that a vast majority would be found in its favor. The reason why the great body of the people sustain their rulers in their warlike enterprises is, that they are made to believe that those wars are forced upon them. This belief is mutual, being holden by both parties. The interested few, who obtain wealth and distinction by means of war, have, indeed, different reasons for lending it their support; but the people can have no other reason, every thing else connected with a state of hostilities tending directly to their injury. And they are not such simpletons as to desire a state of things which involves them in every conceivable calamity. They barely tolerate war, because they suppose it cannot be avoided. On this principle, many eminent and benevolent individuals lend it their sanction. Franklin, Washington, Jefferson, and, indeed, every truly great and benevolent man, who has ever sanctioned war, has done so barely on the ground of its supposed necessity. And when ambitious rulers wish to embark in it, they never fail to place it on this ground, well knowing that the people

would not sustain them on any other. Napoleon himself, when the sun of his glory was at its meridian, —when Europe trembled at his nod, and waited his imperial orders,—presumed not to let loose upon the nations his myrmidons of blood, without attempting to prove "his quarrel just." It will not, then, be disputed that no ruler would dare engage in war without a plausible excuse,—a plea of necessity. Now, suppose a Congress of Nations to be proposed, with all its advantages, its excellences, its tendency to preserve peace, and its superiority to violence with regard to the security of the rights of nations, clearly delineated; what excuse, let me ask, could any ruler make, for declining to participate in its establishment, and to refer to it his disputes? Would he not, by such a course, give indubitable evidence of his unwillingness to come to the light of impartial investigation? With what prospect of being heard, could he, under such circumstances, appeal to mankind for the rectitude of his cause? He could not pretend that it would endanger the institutions of his country; for it is not proposed that this tribunal interfere with the internal concerns of a nation. Nor could he say that it would prostrate his country's independence; for it is not proposed that a nation be compelled to abide by a decision. In short, he could make no excuse whatever.

Rousseau, speaking of a Congress of Nations, says: "The only supposition we have made is, that mankind have sense enough, in general, to know what is useful to them, and fortitude enough to embrace the

means of their own happiness. Should our project nevertheless fail of being put into execution, it will not be neglected because it is chimerical, but because the world is absurd, and there is a kind of absurdity in being wise among fools." "We daily make great improvements," says Franklin, "in natural,—there is one I wish to see in moral,—philosophy; the discovery of a plan that would induce and oblige nations to settle their disputes, without first cutting one another's throats. When will human reason be sufficiently improved, to see the advantage of this?" "Wonderful," says Jefferson, "has been the progress of human improvement in other respects. Let us hope, then, that the law of nature, which makes virtuous conduct produce benefit, and vice loss, to the agent, in the long run; which has sanctioned the common principle, that honesty is the best policy; will in time influence the proceedings of nations as well as individuals; that we shall at length be sensible, that war is an instrument entirely inefficient toward redressing wrong; that it multiplies, instead of indemnifying losses. These truths are palpable, and must, in the progress of time, have their influence on the minds and conduct of nations." President Adams, in his message to Congress, says in relation to the Congress of Panama: "The design is great, is benevolent, is humane. It looks to the amelioration of the condition of man." The editor of the Journal de la Morale Chretienne, the periodical of the Philanthropic Society of Paris, patronized, as is said, by "those who are nearest the throne," has declared,

that "the hope of the establishment of universal and permanent peace, is no longer, as formerly, considered to be only the reverie of good men." In the Edinburgh Review for March, 1829, is the following paragraph: "We earnestly hope, that the friends of liberal opinions in this great nation, will never cease to bestir themselves against war; will be instant in season and out of season, in subduing all lurking remains of that unhallowed spirit, and leading them to the real glories of PEACE." The most pacific sentiments have of late years been avowed in the parliaments of Great Britain and France. Sir James Mackintosh, in a debate in the House of Commons, remarked, that, "whatever might be the political intrigue of some parties, a passion for peace was visibly extending and growing throughout Europe; which was the best legacy left them by that fierce war that had raged from Copenhagen to Cadiz. He confessed he felt a strong passion for peace,—for he must call it by that name;—he trusted this feeling would ultimately become the ruling passion of Europe." Mr. Peel, in following the preceding speaker, thus expressed himself: "I do hope that one great and most beneficial effect of the advance of civilization, the diffusion of knowledge, and the extension of commerce, will be, the reducing within their proper dimensions, of the fame, and the merit, and the reward of military achievements; and that juster notions of the moral dignity of, and the moral obligation due to, those who apply themselves to preserve peace, and avoid the eclat of war, will be the consequence." Mr.

Brougham followed. "He rejoiced to hear it to-night declared to be the duty of the country to preserve peace inviolate. At all times he had prayed for this valuable object. He heartily rejoiced, that the ardor for military glory, and the thirst of fame, which was the curse of nations, and which our neighbors were more prone to admire than ourselves, had been so justly stigmatized to-night." M. Casimir Perrier, in addressing the French Chamber of Deputies, held the following language: "Europe anxiously wishes for peace; it is her manifest interest. Why should she desire war? In this situation of affairs, we venture to hope that Europe will shortly come to an understanding which may lead to a general diminution of forces, the support of which weighs heavily on the several states. Let us by our policy hasten this disarmament." In reply to some war speeches, Gen. M. Sebastiani remarked: "Gentlemen, we know when war commences, but we know not when it will finish."

Sentiments like the foregoing are now gaining ground throughout Christendom. And how much more rational are they than the opposite! How much more worthy of intelligent beings! "There are two kinds of contention," says Cicero; "the one by argument, the other by violence: the one belongs to man, the other properly to brutes." Knox, in his Essays, says, "While we are warriors, with all our pretensions to civilization, we are savages." These sentiments are making rapid progress, and they will continue to advance with the increase of knowledge.

And as the progress of this has recently been greatly accelerated, there can be no doubt that the time is near, when nations will, by dispensing with war, cease to act like "brutes" and "savages," and assume their legitimate character of rational men. Indeed, there is reason to believe, that this great moral revolution is already begun.

Nor is it necessary that all nations be brought into the measure at first: a few can make a beginning. At any rate, this country might propose it to others, and if they all decline, the fault will be theirs. But there is no reason to believe that this would be the case. How would such a proposition affect us, coming from Great Britain, or France, or any respectable power on earth? Most readily, indeed, should we accede to it, and despatch our delegates forthwith. Some nations, then, would at once, no doubt, give a proposition of the kind, emanating from this country, a favorable reception. Let us, therefore, be up and doing. Let light be diffused abroad. Let writings calculated to show the practicability and vast importance of the plan, be scattered in every direction. Let the periodical press be as extensively enlisted in the cause as possible. Let the friends of peace every where embody themselves into Peace Societies, thus affording the cause the innumerable advantages ever the result of concentrated counsel and effort. But, especially, let those societies be active, holding public meetings, and scattering tracts and pamphlets in their respective vicinities. Let memorials on the subject be circulated for signatures; and let those memorials,

filled with the names of petitioners, pour in from the east and from the west, from the north and from the south, and overwhelm our nation's capitol with a mighty inundation of peace. These petitions would not return void. They would have audience, and find advocates. This would produce discussion. And when once brought to this point, we should have nothing to fear. The object is too important, and the case too clear, to suffer by investigation. The measure would be adopted. And thus would the great proposal go forth from this country, to the various nations of the earth. Meantime, let the friends of humanity on the other side of the great waters be on the alert, preparing their respective governments to give a favorable response; and, with Heaven's blessing, it would not be long, ere we should see such a tribunal as the world has never yet seen — a tribunal of nations exerting all their energies for the preservation of the tranquillity of the world.

But after all these bright anticipations, there seems to be still lingering a kind of presentiment of disappointment; as if, in spite of theory clear as light, it is too much to expect so great a blessing as the abolition of so evil a custom of such long standing. For thus are we inclined to reason: — "Had there been any practicable means by which war, that evil of evils, could be avoided, nations would have adopted it long ere now; nay, they would never have resorted to war at all: and even were a remedy to be discovered, and were mankind in general disposed to adopt it, so trammelled are they by the shackles of despotism, that

it is idle to expect the popular voice to be regarded on this or any other subject. Kings love war, and are not sufficiently disinterested to forego their own gratification for the good of their subjects. And as wars always have been, so they will continue to be—at least till the time foretold in Scripture, when nations shall learn war no more." Let us now consider these objections a moment.

1. The greatness of the evil. This very circumstance encourages us to hope so much the more for its abolition; for the greater the evil, the more desirous must men be to free themselves from it, and consequently, the more likely will they be to adopt a remedy when one shall be discovered.

2. The non-discovery and adoption of a remedy hitherto, for so great and long-continued an evil. But, as new discoveries are continually made, not only in physical, but in moral and political science, and, especially, as great changes are continually occurring in the system of international relations, why is it unreasonable to expect a change in relation to this international concern, seeing one is so much needed? When we consider the various absurd and evil customs that have actually been abolished, together with the great progress already made in human society, from its infancy to the present period, I mistake if we do not find, that changes have occurred which are greater than would be the abolition of war. Nay, it would perhaps not be going too far to say, that more has been done in relation to the modification of the war system, than would now be requisite to its extinction altogether.

3. But kings love war, and will not forego their own gratification for the good of their subjects. The great error in this objection consists, in its overlooking the essential difference in the relations subsisting between king and subject now, and those of former days. It supposes monarchs to be supreme: as when a Tiberius was permitted, in the capital of the world, to violate her most eminent females; to consign to execution the accused, without examination; to cause those who displeased him to be thrown headlong down some precipice; and to put to death at will the very senators of the state! when a Caligula could condemn the nobility to dig in the mines, or to repair the highways, and, to free the state from unserviceable citizens, could cast the decrepid, the infirm, and the aged to wild beasts; nay, could claim divine honors, causing temples to be erected and sacrifices to be offered to himself as a god; and could squander, in the most wanton and foolish extravagance, the public resources, by dissolving jewels among his sauces, building a marble stable and an ivory manger for his favorite Incitatus, and constructing in a ridiculous manner a bridge three and a half miles across an arm of the sea, to be annihilated by the first storm! when a Nero was suffered to murder his mother, his wife, his tutor, his benefactor; to exterminate many of the noble families of Rome; to set that city itself on fire, and then to inflict on the poor Christians the most unmerciful tortures, under pretence that it was fired by them! Or, descending much nearer our own times, and taking as a sample the infamous Henry VIII, who was permitted

to divorce one queen to make room for a successor whom he loved better, but whom in three short years he beheaded; to divorce another, because she proved less beautiful than she had been represented; to make and unmake religious creeds, and to require the nation to receive or reject them at his pleasure, under the penalty of banishment or death!

Such were the pranks which a monarch could play on the throne of England three hundred years ago! And when we think of kings and subjects, we are prone to think of such as these, and then to calculate the probabilities or improbabilities of the success of some great plan for the melioration of the human condition. But how greatly do we in this way miscalculate. How different the state of things now, from the foregoing. So far from decapitating his wife at will, a British king cannot now even repudiate her without good reasons. Our modern Cæsars, too, find themselves an age too late for their mad projects. Does one essay at universal empire? he is stripped of his own. Does another attempt to rise superior to constitution and law? three days suffice to render him a wandering exile. Lo! on the throne of the ambitious Napoleon, and the despotic Charles, sits a citizen king! Lo! the conqueror of Napoleon cowers before the majesty of the British nation, and "Reform!" "Reform!" triumphs over arms that won the field of Waterloo, and decided the destiny of the world! Lo! Europe is in commotion, and her potentates, warned by the unwonted omens of the times, are considering the measures necessary to the security

of the favor of their people! Light and knowledge are increasing and spreading with unexampled rapidity through all Christendom; and even in the capital of the Mohammedan empire, we behold a "Moniteur de Ottoman!" Who can consider this state of things, together with the future and the rapid advance of knowledge which must inevitably result from causes already in operation, without feeling that old systems are on the eve of dissolution, and that the dawn of a new era is about to break forth upon the world, — the era of the people, — when man shall recover his lost rights, and rise to his primeval dignity.

Such an era must eminently conduce to peace; for when the true interests of the human race shall be consulted, war must necessarily cease. Have not the friends of peace, then, abundant reason to take courage? And even now, while the elements of the political world are in commotion, by the approximation of things to the state just considered in prospective, they may be operating most efficiently in the promotion of their cause. That society will for a time be agitated and convulsed; that so great changes as those we have contemplated can be effected only by corresponding commotions, there can be no doubt. But these commotions will be the struggles of a giant to break his chains; the throes and upheavings of the troubled earth, laboring to disgorge its oppressive accumulation within; the strife of human rights against human aggression; the efforts of a world against ruin, of peace against war; the thick and final peltings of that great social tempest which will clear

up the stormy atmosphere into the sunny sky of peace! And they will be internal struggles, furnishing no legitimate cause for external war. Yet, without the establishment of a great central court of appeal, to hold with a steady hand the international balances, it is reduced almost to a moral certainty, that the political world will become one mighty chaos, state dashing against state, thereby enhancing the sum of human wretchedness to an amount far beyond computation. Such a tribunal, then, seems specially needed at this very period, when the volcano is rumbling within, and the earth trembling with a pent convulsion. Foreign tranquillity at such a crisis must be for the interest of all. Trouble enough will they have at home: they cannot, therefore, too sedulously cultivate peace abroad. And this appears to be the present opinion of the European governments themselves. There seems to be a general understanding, that the peace of Europe must not be disturbed. In adopting this policy, they do, for once at least, evince true wisdom. For suppose a general war, — a war of principle, if you please, — in which liberty would attempt to overthrow tyranny, and tyranny to crush liberty. It cannot be supposed that either party could conquer. What then would they do? After once more drenching Europe with blood, and increasing her already oppressive burthen to overwhelming, they would leave things as they found them, each party still managing its own affairs in its own way. It is in vain to think that any thing different would be the result. Never before, perhaps, has Europe been so

equi-balanced as she is at present. France and England! What can conquer these combined? And Russia, Austria, and Prussia! Who would dream of their subjugation? Peace, then, is the true policy of Europe, and she seems inclined to adopt it. Now, then, is the period, of all others, to urge our project to its consummation.

But a great difficulty still remains. Suppose a tribunal of the kind established, and its decisions to be right, what would insure their observance, on the part of those towards whom they might be unfavorable? I reply: the same that would induce them to refer their disputes at all, namely, the want of a plausible excuse to do otherwise. To be sure, if those decisions should be flagrantly erroneous, there would be room for such excuse, and war might still occur; but it is not at all probable that wrong decisions would be made by such a body—far less probable, than that either of the parties, or blind war, would make them. And with regard to many cases of international dispute, they are, in themselves considered, of so little consequence, that it would matter very little whatever the decision might be.

It is really astonishing to learn for what trivial and iniquitous causes nations have engaged in hostilities. Take, as samples, the following. "In the year 1005, some soldiers of the commonwealth of Modena ran away with a bucket from a public well, belonging to the state of Bologna. The implement might be worth a shilling; but it produced a quarrel, which was worked up into a long and bloody war." "Frederick

the great gives an account of a war between England and Spain, which originated from cutting off the ears of an English smuggler." "In an old history of the kings of England, we have seen an account of a war between that country and France, the cause of which was this: one boy called another boy the son of a bastard; and as this reproach was founded in fact, it 'worked up into a bloody war.' One of the boys was son to the king of England, the other to the king of France." "So paltry a sum," says Burke, "as three pence, in the eyes of a financier, so insignificant an article as tea, in the eyes of a philosopher, have shaken the pillars of a commercial empire that circled the whole globe."

Now, suppose the decisions of our proposed Congress should not always be correct; suppose that, for the want of sufficient evidence,—which would, no doubt, be the only reason,—they should not invariably award "the bucket" to the lawful owner; would this be a good reason why that owner should waste millions to recover it? I know it will be said that it is not the bucket for which they contend, but the point of honor involved in its possession. But a tribunal of reference would obviate this difficulty. It would not be an antagonist to either party. It would not assume an air of self-sufficiency, as if its very existence were depending on the contour of the features, or the toss of the head. It would not imperiously and insolently threaten a party with castigation, thereby laying that party under obligation, either to refuse compliance with a demand perhaps

just in itself, or subjecting it, in the event of compliance, to the charge of doing so through fear. But, inasmuch as it would be a third party, its decisions would be deemed impartial. And as such decisions ought to be regarded, and as no threat of coercion would accompany those made by this tribunal, the point of honor would consist, not in their breach, but in their observance. Thus we find that the very objection we are now considering would be the reason why the decisions of the Congress would be observed.

But will rulers really be restrained by this consideration? Will they not? we reply. A singular figure would they make, in going to war without even a pretended reason. Something after the following form must be their declaration:

"Whereas, by the investigation of the High Court of Nations, it has been ascertained, as well as impartial investigation can ascertain, that we ought to comply with certain conditions; and whereas this decision is accompanied by no threats of coercion in the event of our non-compliance, thus leaving us at liberty to comply, without subjecting us to the imputation of cowardice, and, therefore, without compromitting our honor; and whereas, an old bucket is, in itself, an object of contention altogether unworthy of high-minded and honorable individuals, much less of nations; and whereas, under these circumstances, we can honorably remain at peace, and cannot, without the greatest dishonor, embark in war: therefore, be it known to the world, that since we are deprived of all

excuse, we will have war without any. To gratify our ambition, obstinacy and malignity, we will still pursue the work of death; still will we

'Whelm nations in blood, and wrap cities in fire.'

We care not for justice. We care not for honor. We care not for your Congress of Nations. We will do as we please. And do you, our humble servants, the people of our realm, prepare to execute our good pleasure. Pay your hard earnings into our war coffers. Abandon your homes, your altars, your country, and march forth to the toils, and privations, and perils of war in a foreign land. There pour forth your lives; there deposit your carcasses; despised by ourselves for your base servility, and abominated by the human race for your reckless brutality."

And now I ask, seriously, if rulers, after the decision of our tribunal, could issue a better manifesto than the foregoing. What could they say? What excuse could they make? But if they could make none at all, it is certain they would not venture on war.

But if non-coercion would be so efficacious in this case, why not adopt it in that of law? Why affix any penalties to that? I reply, that if individuals were circumstanced as nations are, there would be no need of those penalties. It is not the respectable citizen that submits to the laws of the land through fear of the punishment involved in disobedience. None but unprincipled recreants, lost to all sense of honor and propriety, need hand-cuffs and chains, need prisons and guards, to extort submission to the

laws. Were there none of these in society, the decisions of courts of justice would need no sheriffs nor constables to enforce them, but might be safely left to take their own course. The penalties of law were never designed for those who act from principle, but only for desperados. Now, there are no nations answering to the character of these desperados. By the term, nation, however, I mean not a wandering tribe of savages, nor a piratical nest of barbarians; but a community recognized and treated by the civilized world as a nation. I repeat, then, the assertion, that there is no nation answering to the character of a desperado of society. Were there such a one, treaties with it would be an absurdity; and it would be necessary to take possession of its fleets and forts, and thus become its gaoler. As, then, there is no nation of this description, there exists not the necessity for a penalty to the law of nations that exists in the case of the laws of society.

In speaking of penalties, it is difficult to divest the mind of the idea of fine and imprisonment, of confiscation and banishment, of dungeons, chains, racks and gibbets. We do not dream that there can be any other kind of punishment; much less, that there can be one far greater than these. We forget the difference between man and beast, and seem to think that both are affected alike by the same means; entirely overlooking the fact, that man has a mind susceptible of shame, as well as a body susceptible of pain; and that mental suffering is as much greater than corporeal, as the mental are superior to the bodily faculties.

Keeping this idea in view, we shall find, that though no denunciation of devastation and destruction should be annexed to the decisions of the Court of Nations, as a penalty for their violation, it would by no means follow that there would be no sanction to them. "It is not to be understood," says Chancellor Kent, "that the law of nations is a code of mere elementary speculation, without any sufficient sanction. It is a code of present, active, durable and binding obligation. As its great fundamental principles are founded on the maxims of eternal truth, in the immutable law of moral obligation, and in the suggestions of an enlightened public interest, they maintain a steady influence, notwithstanding the occasional violence with which that influence may be disturbed. The law of nations is placed, in the first place, under the protection of public opinion. It is enforced by the censures of the press, and by the moral influence of those great masters of public law who are consulted by all nations as oracles of wisdom, and who have attained, by the mere force of written reason, the majestic character, and almost the authority, of universal lawgivers, controlling by their writings the conduct of rulers, and laying down precepts for the government of mankind." This law of nations, without any penalty, is by no means so often violated, as are the laws of a community containing penalties. It is, therefore, but for nations to have a regular legal code, in order to observe it. The wars which so frequently occur are not so much occasioned by a violation of the established principles of international law, as by difficulties

to which none of those principles are applicable, or, at least, to which there is no impartial tribunal to apply them. Nations do not presume to violate what they themselves acknowledge to be those principles; and, consequently, they would not presume to violate what an authorized tribunal might pronounce so. Yet, there are no penalties annexed to their violation, no threats of punishment thrown out *in terrorem.* But if these sanctions are sufficient to secure the observance of the law of nations, under present circumstances, what would they not be, when this law should be promulgated to mankind by a congress of "those great masters of public law," who individually "control by their writings the conduct of rulers, and lay down precepts for the government of mankind?" Surely, international law, emanating in due form from such a body of men, would find a support in public opinion absolutely irresistible.

That a nation, under the existing state of things, has sometimes acted in opposition to the general sentiment, and disregarded rules which others have thought proper to observe, is so far from being an argument against embodying international law in a code, that it is the very reverse. A disputed principle of international law is not an established part of it: hence the necessity of having its principles settled, and the admitted law of nations explicitly expressed and recognized. But as the matter now stands, any nation may disregard what others choose to consider the law of nations. For, under what obligation is an independent nation to regard the opinions of unau-

thorized writers on the duties of nations, or to make the practice of other nations a sample for itself?

As so much is depending on the solidity of this position; as the whole project must prove abortive, unless it can be shown that the decisions of the proposed tribunal would probably be observed; and as the showing of this would insure its success; we can hardly dwell too minutely on each point tending to throw light on this part of our subject. We will, then, for a few moments, consider the mighty efficiency of public opinion.

It is public opinion that regulates all the concerns of this great world of ours. This it is that forms men into communities, and institutes the necessary regulations for the public weal; that decides what shall be the form of government, making one country a republic, and another a monarchy; and that regulates manners and customs, perpetuating or changing them to suit itself. How pervading its influence! How tremendous its power! It is the lever of Archimedes! It is the thunderbolt of Jupiter! It is the tornado, the deluge, the earthquake, the volcano! Nought of earth can resist its might. It is stronger than law, violating it at will; stronger than constitutions, changing them at pleasure; stronger than kings, deposing them at a breath; stronger even than truth, prostrating her oftimes in the dust. Men can but "ride this whirlwind, and direct this storm;" in vain would they attempt to resist it. The mightiest potentates of earth do it obeisance. Napoleon ever appealed to it in all his wars; and ultimately it overthrew him. It is public

opinion that gives to slander her scorpion sting, and to vice its infamy; and that enables a solitary individual, on the side of right, to triumph over an opposing host. It is this that regulates those details of society which no laws can reach, chastising with its scorn and indignation the unmanly and the vile. To gain its approbation and applause, the student trims the midnight lamp, and pores over ponderous tomes of lore. For this the poet wakes his noblest strains, and rolls his boldest numbers; the orator thunders in the forum, and the warrior in the field; and nations rear their proudest monuments, and conquerors overrun the world. It is this, alas, that often diverts frail man from the path of duty; that makes the duellist take the life of his friend, and the self-murderer his own; that makes men sacrifice peace, conscience, every thing, and set heaven and earth at defiance. Its frown is more terrible than death itself. The hero who never wavered in the day of battle, who could march up to the cannon's mouth undaunted, quails before it, and seeks a shelter from its fearful severity in self-destruction. Nations, too, as well as individuals, are subject to its sway. Note their reference to it in all their public documents; their appeals to it for the justice of their cause in war; their tenacity of the point of honor; their national pride, their national vanity, their national ambition. Note their regard to the law of nations as it is, under all its unfavorable circumstances. The fact is, that nations pay far greater regard to public opinion, than do citizens in their individual capacity. And being under its influence, it is but to

enlighten that opinion on the subject of war, when it will cease. It is but to show, that there is no other necessity for it than that which rulers by their mismanagement create, and therefore that it is avoidable and inexpedient, and then it will be tolerated no longer.

Nor is its inexpediency all that will influence the public mind. There is among men a degree of moral principle. This is evinced in various ways; — in the keeping of one's word, when there is no evidence of his having pledged it; in the forbearance to inflict injury when it can be inflicted with impunity, and when provocation has been given; and in ways almost innumerable; but especially, in the abhorrence with which mankind regard individual or national injustice. It is not, then, expediency alone that will incline public opinion to peace; but whatever there is of moral principle among men, will come to the aid of expediency. And even the very principle of selfishness, which, under present circumstances, is the moving cause of war, will, when enlightened, become a most powerful auxiliary in the cause of peace. Convince men that war is detrimental to their real interests, and they will not have it. Say ye, then, that nations will not adopt our scheme because they are selfish? We reply: They will adopt it because they are selfish, — just as soon as their selfishness becomes enlightened.

We rely, then, on these three causes, viz., expediency, justice, and selfishness, to give to public opinion, when duly enlightened, an inclination to peace. And I think it has been demonstrated, that

whatever public opinion decrees, it is in vain for rulers to think of resisting. And here I perceive an all-sufficient sanction for the decisions of a Congress of Nations, — a surety both for justice and peace.

A few desultory remarks, relating to our main subject, will now be presented to the reader. It should be observed, that nations are not isolated, like the heavenly bodies, but are connected together by the ties of a kindred nature, as likewise by those of commercial intercourse and general intercommunication, whereby they come in contact. Hence arise certain obligations, moral and social. These obligations, as has already been seen, are acknowledged by nations themselves. Now if such obligations exist, they need, in order to prevent dispute, to be specified in a regular, authorized code. But to form a code, it is requisite that a tribunal be convoked, — and equally necessary that a similar tribunal explain and apply it. For there can be no greater absurdity, than to commit the enacting, expounding, and applying of it to each of the parties for itself. So clear is the case, that when it shall be fairly considered by mankind, they will, I am fully persuaded, either deny international obligation, and discard what is now denominated the law of nations, or else establish a tribunal of the kind we propose.

There is what men call the law of nature, or a natural perception of right and wrong. But notwithstanding this, they deem it necessary, in society, to have conventional or enacted law, in consequence of the diversity of views taken by different individuals

relative to various points, and by their proneness, when swayed by interest, blinded by prejudice, inflated with pride, and inflamed by passion, to explain right and wrong to their own liking. For the same reason precisely, should there be a conventional law of nations.

It is customary for nations, prior to their engaging in war, to resort to negotiation, for the avowed purpose of adjusting their disputes without recourse to arms. With equal facility, and with far greater prospect of a successful issue, might they refer their disputes to our proposed tribunal, reserving to themselves the right of resorting to arms, in case the decision of said tribunal should prove unsatisfactory,—and obtaining the additional and most momentous advantage, of being able, without a violation of truth, to denominate war their last resort, which under present circumstances they cannot do. Is it not even so? Cannot nations just as easily bring a dispute before a third party prior to war, as to negotiate respecting it? Would it not be more likely to be impartially examined by such a party? And could war be denominated the last resort, in any other way?

But not only would our Congress be more likely to effect an amicable adjustment of the cases of dispute which might be brought before them; the existence of such a tribunal would tend to diminish their number. All their disputes, of minor consequence, nations would no doubt contrive to adjust in one way or another between themselves. There would be little danger of their permitting their "bucket" cases to

come up for grave discussion in so solemn and august a tribunal, before the eyes of the whole world. And here it occurs, that it would not be cases of this kind alone that would be settled without arbitration, but those also where one of the parties might be conscious of the injustice of its cause. Thus would our Congress prevent many wars, by the mere circumstance of its existence.

The establishment of an international tribunal would not preclude negotiation between nations relative to their disputes. They could in this respect pursue the same course as if no such tribunal existed. They might settle between themselves all the disputes they could; and after having found the remainder too stubborn to yield to their every art of diplomacy, then let them, instead of appealing to arms, resort to our expedient. Thus would war be still longer prevented; by which means time would be gained for such a change of circumstances as would perhaps remove the cause of difficulty, or so modify it as to render it an insufficient ground of serious complaint. An ambitious monarch might be removed by death; a nation might see its way clear to rescind an offensive measure; or one change or another, out of the ten thousand mutations of this ever-changing world, might occur, during the period thus gained, by which the cause of difficulty would cease.

This new measure would not only furnish mankind with an opportunity to abandon the war-system, but would prevent the ambitious and unprincipled from embarking in war with the facility they do. Hitherto,

they have been able to pursue their mad career, because no circumstances existed to prevent it. They could frame their plausible manifestos, and induce their people to sustain them in war. But, under the circumstances which we propose to throw around them, they could issue no such manifestos. War would be an up-hill undertaking. Their ambitious schemes would be stripped of their deceptive covering, and exposed to the view of mankind, by the investigation of our tribunal. The sympathies of the whole world would be enlisted on the side of the injured, against the aggressor; animating the former, and disheartening the latter. And, what is still more important, the very subjects of those ambitious sovereigns would, to no small extent, be found, in opinion at least, against them. They would query, whether an impartial tribunal of the great and wise philanthropists of earth would not be more likely to make a correct decision, than would interested, ambitious monarchs. They would respectfully consider the reasons assigned by that tribunal, for the decisions by them made; which reasons, emanating from such a body, standing in such a relation to mankind, would, undoubtedly, be good and conclusive. Those reasons would produce their legitimate effect; they would carry conviction to the bosom of all; and the ambitious despots, who keep the world in agitation, would find themselves unsustained, both at home and abroad. Such a tribunal would have checked the career of Napoleon, ere he attained that fearful ascendency which placed him for a time above all control. Nay, it would have

prevented the very wars which elicited the military genius of that wonderful man; and the world had then never known him as Napoleon the conqueror; but his mighty mind would have been turned into a different channel, whose overflow would have irrigated and fertilized the world with refreshing rills and streams, instead of deluging it with tears and blood!

We have seen that the most probable way of ascertaining the merits of an international dispute would be, to refer it to our tribunal,—far more so than to refer it to the sword. Hence the nation, actually conscious of being in the right, would be desirous of such a reference, and more so, for the reason that justice would not only be more likely in this way to be obtained, but also at a much easier rate than by war. Now, as both the parties to a dispute profess to believe themselves in the right, and as this is the most probable and the most easy way of obtaining justice, no nation, whether in the right or wrong in reality, could consistently decline the reference proposed. The reason, therefore, which nations assign for war, viz., the justice of their cause, is the reason why they should avoid it, and refer that cause to the arbitration of a third party. And any nation declining thus to do, would evince its insincerity, and wage war with an ill grace indeed.

Nearly allied to the subject of international arbitration, is that of international mediation. "Two nations," says Vattel, "though equally weary of war, often continue it, merely from the fear of making the first advances to an accommodation, as these might be

imputed to weakness; or, they persist in it from animosity, and against their real interests. Then, common friends effectually interpose, offering themselves for mediators. And there cannot be a more beneficent office, than that of reconciling two nations at war, and thus putting a stop to the effusion of human blood. This is an indispensable duty to those who are possessed of the means of succeeding in it."

The propriety, the praiseworthiness, the necessity, and the duty of international mediation in general, are admitted on all hands. "A nation or sovereign," says Vattel, "ought to promote peace, as much as lies within their power; to dissuade others from breaking it without necessity; to exhort them to a love of justice, equity, and the public tranquillity, and to a love of peace. It is one of the best offices we can perform to nations, and to the whole universe. What a glorious and amiable appellation is that of peace-maker! The most glorious period of Augustus's life was, when he shut the temple of Janus, adjusted the disputes of kings and nations, and gave peace to the universe."

It is unnatural for men to desire their own harm. On the contrary, they make great sacrifices for the sake of avoiding it. In their social capacity, they submit to many restrictions and burthens, for the sake of the benefits derivable from the social state. That they may be protected in the enjoyment of "life, liberty, and the pursuit of happiness," they surrender to society their personal sovereignty, assume the burthens incident to the existence of civil government,

and place themselves in a condition even to be compelled to do as society requires. Still more to our purpose; they are constantly endeavoring, by means of various modifications, to render war itself less afflictive and intolerable. How evident is it, then, that beings so tenacious of happiness, and so adverse to wretchedness, will avail themselves of a practicable means of avoiding so great an evil as war, when fairly laid before them.

The case of the duellist has already been brought into view, and it has been seen, that if nations will not establish an international tribunal, they cannot with any degree of consistency proscribe duelling. I now go further and say, that war is far worse than duelling. The duellist fights his own battle; and if he falls, he is but one man, and merits his fate besides, — because he voluntarily fights, if for no other reason. But war slaughters its victims by thousands, — victims forced into its service against their own will, — and spreads abroad wretchedness and desolation, vice and crime, unknown in the annals of personal combat. Bad, then, as we readily admit the business of duelling to be, it is, I had almost said, goodness itself, compared with war.

I have said, that I should, in this Essay, wave the consideration of the lawfulness of war as the last resort. But there are several particulars relative to this point which merit our most serious attention. Under the Christian dispensation, wars are to cease. The Messiah himself is denominated the Prince of peace. The spirit of his religion is the very reverse

of the spirit of war. And it is matter of historical record, that at least the generality of the primitive Christians refused to bear arms, alleging as the reason, that war was incompatible with their religion. Taking all these considerations into view, it is evident that Christendom, in adhering to the war-system, is not fulfilling her high vocation, but is thwarting the benevolent design of the religion which she professes to make her rule of action. I do not say, that one Christian nation should, for the sake of peace, surrender its rights to another. I wave that point here. But this I say: that the nations of Christendom are bound by their religion to preserve, in one way or another, the peace of Christendom; and that their war policy is unchristian, and unworthy of the holy name by which they are called. Now, if the means hitherto used have been found inadequate to the preservation of peace, let them make trial of other means. Let them make trial of our expedient, which bids so fair to accomplish the object. And who can tell but this will prove the very measure that will lead to the fulfilment of the prediction relative to the peaceful reign of the Messiah? It is evident that something must be done which has not been done, to prevent war. And what can it be? What can be done in the case of Christendom, that receives the Christian religion already, and yet continues her wars as if she were still heathen? What, but to present her with a feasible scheme for abolishing war without sacrificing right, and then to demand of her, in the name of her Lord, to adopt it?

War is not only unchristian; it is unworthy of civilized men. And for this assertion, we have very high authority. "What is war?" said Napoleon, when contemplating the sanguinary scenes of Borodino. "What is war? A trade of barbarians! the whole art of which consists in being the strongest on a given point." As civilization, then, increases, war must decrease. And as it becomes less honorable, it will offer less inducement to ambition. Even now, it is sufficiently unpopular to render it a dull business to the soldier of fortune; and it needs only that a practicable substitute be provided, to induce him to relinquish it as a forlorn hope, after the failure of a Napoleon. It is too late in the day, mankind have become too enlightened, the fireside too comfortable, society too well regulated and refined, for war to be any longer a welcome visitant. The warrior begins to be viewed in his true light. He begins to be regarded as a destroyer of human happiness; while the philanthropist, whose aim is the benefit of mankind, is taking precedence of him in public opinion. These things augur well for the future hopes of our race. They portend a coming era of tranquillity — that golden age chanted by poets and foretold by seers, when nation shall not lift up sword against nation, nor learn war any more. And is it not possible that we are even now just on the eve of that period? May it not be, that we have fallen on the very expedient that will usher it in, now that the world, perhaps for the first time, seems prepared to adopt it. We trust in Heaven it is even so. "Truth

is powerful, and will prevail;" and we must, therefore, believe, that our plan will so commend itself to the good sense of the world in the present age of light, as to render it completely successful. True it is, that its origin is humble; but we rely on its own intrinsic merits, with the blessing of Heaven, for its success. Twelve humble men propagated Christianity throughout the known world. One mere monk shook the throne of the mightiest pontiff that ever wore the triple crown. And Heaven grant, that this effort of an humble individual may at least aid in transforming this Golgotha world into one immense Eden, which angels would delight to perambulate. The infant obscurity of a cause is frequently its infant protection. It rouses not the powerful opposition which a more conspicuous origin would not fail to excite, and which in its infancy it is so ill-fitted to endure. Fortunate, then, it may prove for the cause of peace, that in its infantile period, it makes but little noise in the world, disturbing not the slumbering lions of war, till it shall have gained sufficient strength to chain them in their lair!

There are but few crimes in society punishable with death; and to inflict it for a crime not thus punishable, would be viewed in no other light than that of murder. One individual may receive actual injury from another, for which the latter would deserve a certain degree of punishment. But though he would be guilty, and deserve punishment, it would not follow that he would deserve the punishment of death. And should the injured party inflict death upon him undeservedly, he

would be deemed a murderer. If, in addition to this, he were to take the lives of some of his opponent's family, and injure the rest of them as much as possible, at the risk, and perhaps the loss, of his own life, and the lives of some of his family, he would be regarded as a demon in human form.

To apply this argument to the case of nations. One nation may actually injure another. But the injury may be trivial, deserving but a small degree of punishment. Probably it would not be deemed of sufficient importance, in a civil point of view, to cost the life of a single citizen. Yet, for this small offence, the injured nation declares war, and sacrifices the lives of thousands and thousands of the enemy, and those, too, who are perfectly innocent of the crime; and sacrifices, also, as many more of its own citizens! Now we ask, most solemnly, by what name this vast sacrifice of life, under these circumstances, can be called, but downright, wholesale murder. There is no proportion between the crime and the punishment. Life is sacrificed without a sufficient reason,—sacrificed by wholesale, for a fault which deserves not a single death. And, in addition to this, there is all the long train of evils incident to war, to be taken into the account. Really, the more we investigate this subject, the more unjustifiable and horrid does war appear. It professes to redress injury, but inflicts a thousand fold greater, both on the aggressor and the injured. In meting out justice, it becomes itself an instrument of injustice, by inflicting more punishment than is due. It is an unjust punishment for injustice,

and far worse than the evil it is designed to remedy. Before a nation can be justified in engaging in it, the injury received must not only be clearly ascertained to be an injury, but to be one of sufficient magnitude to justify the destruction of thousands of innocent human beings. How many of the wars that have ever been waged, would pass an ordeal like this! How long will it be ere nations awake to the awful guilt involved in their war-system, and adopt a more appropriate and a more justifiable remedy for international wrong! After all the wars that have ever been waged, what has justice gained? what have nations gained? Rather, what have they not lost? How different an aspect would this globe present, had it never been desolated by war! The war-system occasioned more evil to mankind during the last half century, than all the good it ever obtained for them, since the world began. Justice, truly! When will men be rational? When will they follow the instinct of their own nature, even, which shrinks from harm, and studies its own safety? When will they act worthy of human beings, worthy of rational creatures, and not like madmen and wild beasts?

As war is a concern of nations, its abolition requires the concurrence of nations. It is not an evil that can be diminished by piecemeal, like intemperance, and other evils of a kindred character. The conversion of one advocate of war to the principles of peace does not diminish the number of wars, as the conversion of one individual from intemperance to temperance diminishes the amount of that evil. Yet, if it has its

disadvantages in this respect, it has its advantages in another. While, on the one hand, every member of society, every individual of the human race, must be temperate, in order utterly to abolish the evil of intemperance, on the other, it is only requisite to win a majority of mankind to the side of peace, in order to abolish war. The majority in a nation acts for the whole. Give us, then, a majority in each nation, and we will have peace without waiting to proselyte all to our principles. And when we take this view of the subject, we find our confidence greatly strengthened in the ultimate and speedy success of our project. Indeed, we are led to believe, that long ere a complete triumph has been achieved over intemperance and its kindred vices, war will be known no more.

The members of society are required by their rulers to settle their disputes by reference to third parties. In calling on rulers, therefore, to settle international disputes in the same manner, we ask them to do no more than they require of us. The requisition being thus mutual, no good reason exists why the compliance with it should not be the same. And the people will be reckless of their own claims, unless they insist on this compliance on the part of their rulers.

The fact has already been noticed, that men in their civil capacity, as members of the community, make many sacrifices for the sake of the general good and their own. In this relation, man not only submits to the necessary rules and regulations, but

consents to their being enforced upon him; thus descending from absolute freedom to absolute subjection; a far greater descent than for nations, composed of individuals thus subjected to law, to refer their international disputes to the mere investigation of an impartial tribunal, without recognizing its right to enforce its decisions. Nor is the case of individuals the only one of the foregoing description. The feudal governments relinquished their supremacy to that of the nation, in the same manner. And what is more, nations themselves have submitted their disputes to tribunals empowered to enforce their decisions. Yes, nations, possessing every attribute of sovereignty, have not only done all that we now propose to nations to do, but have actually consented, for the sake of preserving peace, to the enforcing of the decisions of impartial tribunals upon themselves, in case they should prove refractory.

In ages long gone by, ere Homer warbled his lay, or Orpheus strung his lyre, a tribunal was established, denominated the Amphictyonic Council. Of this Council, Rollin says, "It was in a manner the holding of a general assembly of the states of Greece. They had full power to discuss and determine all differences which might arise between the Amphictyonic cities." This confederacy originally consisted of twelve independent states or cities, and was afterwards increased to thirty-one. The decisions of the Council were treated with the highest respect, and held inviolable. It ceased not to exist, till after the reign of Augustus Cæsar.

The next instance was the Achæan League, composed likewise of independent Grecian cities. "So great was their character for justice and probity, that the Greek cities of Italy referred their disputes to their arbitration. The Lacedemonians and Thebans referred to them an interesting matter of dissension between them." Polybius observes, that the Achæans so far gained the esteem and confidence of all the Europeans, that their name became common to all that country. This League was in a good measure successful in preserving peace among themselves, and thereby attained to an unusual degree of prosperity. But being less careful to preserve peace abroad, they were at length overthrown, A. C. 146.

The Hanseatic League, composed of independent German cities, is another case in point. "It was confirmed and established in 1226 and 1234, and an extraordinary general assembly was held every ten years, in which they solemnly renewed their League, admitted new members, and expelled old ones, if they proved refractory. It commenced by a league between the cities of Lubeck and Hamburgh, and afterwards consisted of twelve towns, situated near the Baltic. They first formed a system of commercial, international laws, enacted in their general assemblies. The League afterwards extended to seventy or eighty cities and towns." This League preserved peace among themselves; but engaging after a while in foreign wars, they were by degrees reduced; so that they comprise at present but three cities, viz., Lubeck, Hamburgh and Bremen.

The Helvetic Union, or Swiss Confederacy, next presents itself. The Swiss cantons are sovereign and independent, and have different religions, and different forms of government. Yet, by their mode of referring their disputes with one another to arbiters appointed for the purpose, they have been perfectly successful in preserving peace for four hundred years.

Our own Union, though not the same kind of sample as the foregoing, is one quite as important in another point of view. For, though the states composing it are not sovereign, having ceded the prime attributes of sovereignty to the general government, such as the right to make war and peace, to make treaties, to coin money, to lay imposts on commerce, and to do various other acts indispensable to nationality; yet the very fact, that they have ceded these rights, for the sake of the greater benefit resulting from the Union, shows how much communities can be induced to do in this respect, by the presentation to them of suitable motives, and is one of the most encouraging circumstances to the friends of peace that could be adduced; giving grounds to believe that, for the attainment of so great a good as universal peace, those great communities denominated nations can be induced to concede the absurd right of sitting as judges in cases where they are parties.

By the foregoing samples, we perceive that something similar, in many respects, to the plan we propose, has actually been long known, and successfully practised, on a small scale. The objector who was not previously aware of this, or who, being aware

of it, had not sufficiently considered it, may possibly begin to look upon our scheme as not quite so visionary as he before supposed. If small sovereignties can be induced to refer their disputes to an impartial tribunal, and if, by this means, war is prevented among them, why cannot the same be done by large sovereignties? It will be said that force was recognized in the former cases, to carry decisions into effect, by which means the object was secured. So much greater the probability that our scheme, which requires not this sacrifice of sovereignty, will be adopted—and, leaving the observance of the decisions to honor, that it will prove efficacious. And I think it has been demonstrated, that no compulsion, no penalty, no pledge, even, would be necessary to enforce those decisions. And this I conceive to be more compatible with the dignity of nations. Those great bodies of rational beings ought more to respect themselves and one another, than, by assenting to a penalty, to recognize their liability so to violate propriety as to disregard the decisions of an impartial tribunal to which they might appeal. Besides, their recognition of force to carry those decisions into effect, would be a surrendering of their national sovereignty into the hands of one great, central, universal government, which, however good it might be, would denationalize themselves. No wonder, then, that the scheme of Henry IV, of France, for a Congress of Nations, based on this coercive principle, did not succeed. Nations cannot be expected thus to denationalize themselves. They are the radical divisions

of mankind, whose distinctive lines have been traced by the finger of the Almighty; nor is it reasonable to expect them to blend in one general mass, till those lines shall be obliterated by the same omnipotent hand that drew them. But they can, without this amalgamation, without the sacrifice of their nationality, without the surrender of their sovereignty, refer their disputes to a tribunal clothed with no authority to enforce their decisions.

Speaking of Henry IV, it is not a little remarkable, that his plan should be adduced as a case in point, to show the impracticability of ours. The two schemes are radically different, and that in respect to the very particular which rendered his abortive, as already shown. But it is more remarkable still, that his scheme should, by some, be pronounced far superior to ours, in point of practical wisdom. Whether a project to revolutionize all Christendom; to subjugate and partition the dominant power of the day; to change the boundaries of states, and apply to them the levelling principle of agrarianism; thus interfering with the sovereignty and other primary rights of nations, and introducing innovations and changes innumerable, is more evincive of practical wisdom than a proposition to draw out the law of nations into the form of a code, and to reduce the present practice of nations, with regard to arbitration, to an orderly system, is for the reader to decide.

But why this doubt in the case of nations, when they have partially adopted our scheme already? From 1644 to 1814, there were more than thirty

convocations of temporary congresses of nations, embracing various states of Europe. "Wars have been terminated by them; conflicting jurisdictions have been settled; boundaries have been ascertained; commercial conventions have been formed; and, in various ways, the interests of friendly intercourse have been promoted." And though some Holland has now and then caused a little trouble, this no more argues against the general utility and efficiency of those congresses, than does the occasional resistance of civil law by particular individuals, against the utility and efficiency of that. Nor can the contumacy of a Holland be argued against our scheme; for, as we propose no compulsion, there would of course be no bloodshed in this way; and as to compliance with the decisions which might be made, it does not follow that a nation would not voluntarily submit to a decision which she would not be compelled to do; especially if it should chance to be a righteous one. Nations are not fond of having it said of them, that they are intimidated by threats and military demonstrations. Even your "man of honor" will not make a just concession to an absolute demand, when, at the same time, he would readily yield it to the judgment of a board of honor. How, then, can it be expected that a nation, so much more dignified, and standing so much more upon its honor, will be dragooned into a measure by threats of coercion on the part of another nation or two? Had all Europe, therefore, been set a-blaze by the Holland and Belgium question, this could not have been made an objection to our

scheme; ours would have prevented the conflagration, and been more likely to secure justice besides.

We have surveyed the existing state of things, and have seen that there is already a law of nations, and a congress of nations; both of which are open to important objections, which lie not against our plan. Ours is an improvement (and a very great one) on the present international system. It is better adapted to the genius, the dignity and the sovereignty of nations. It presents itself in a harmless, unexceptionable form, proposing no penalties, no entangling alliances, no intrusion on national sovereignty, no sacrifice of national dignity, but affording each nation an honorable way of avoiding war, and holding out the fairest prospects for the security of justice. Will not nations adopt this scheme? Will honorable nations decline the adoption of this plan, which appeals so directly to their honor? Will Christian nations reject so Christian a project? Let them go, then, and take a lesson, on this point of their religion, from the heathen — from a Numa Pompilius, or an Antonius Pius; from the Chinese, or the islanders of Loo Choo; yea, from the infidels among themselves; from that prince of infidels, Voltaire. Let them cast their eyes across the deserts of Namaqualand, and behold an Africaner standing forth in all the sublimity of moral greatness, expressing the deepest regret for the blood he had shed, and inviting his brother chiefs to co-operate with him in putting an end to war, and in establishing a general peace. Will Christendom, in very deed, reject this project? Then let her renounce

her Christian name, and no longer subject the religion of the Prince of peace to the taunts of unbelievers. Let her no longer give the Jew occasion to inquire, "Where is the promise of the peaceful kingdom of your Messiah?" nor a Chinese emperor to charge Christianity with "whitening all the countries where it obtains footing with human bones." But Christendom will adopt our scheme. "Mankind have sense enough, in general, to know what is useful to them," when it is clearly pointed out, "and fortitude enough to embrace the means of their own happiness."

Needs it that the subject be pursued? What objection remains? Shall we be told, that our Congress might not always be unanimous in opinion. And is this not the case with other tribunals? Will it be objected, that it might be equally divided on a question, and thus come to no decision? Let the presiding officer give the casting vote, as is done in other instances. But rare, indeed, in so sage a tribunal as this, would such cases occur, and even unanimity might be generally expected. In all plain cases, decisions would undoubtedly be unanimous; and in those which might be so doubtful as equally to divide such a tribunal, there would be too much uncertainty relative to the right side, to justify either party in war; and the Congress might, perhaps, in such cases recommend a compromise. Yet, better would it be to have every question decided by the casting vote of so venerable a sage as would naturally be called to preside in the Court of the World, than by barbarous, capricious war. That justice would be more likely to

be done by the former than by the latter, there cannot be a doubt. It is also beyond all question, that some wars would be prevented by this body. What, then, though it might not prevent all? If it would prevent any, if it would prevent one, what excuse can rulers, can nations have, for refusing to establish it? Surely, the horrors of a single war are a calamity which ought to be sufficient to call forth the united efforts of the human race to avert it. We are informed, that the first public thanksgiving ever decreed by the warlike Romans to any civilian, was decreed to Cicero, because, in addition to preserving the city from conflagration, and the citizens from massacre, he had saved Italy from a war. Allowing, then, that our tribunal would prevent a single war, or even have a tendency to prevent one, it ought to be established. And it cannot be doubted that it would have this tendency. How, then, can rulers frame an excuse sufficiently plausible, to enable them, with any color of justification, to decline the adoption of the plan we propose? One government, perhaps, will say, that the others will not accede to the measure. Propose it then, and see. Surely, the object is too important not even to be proposed. Let no nation, therefore, feel exonerated on this point, short of proposing the measure to the rest, or of closing with it if proposed by another. And O, my country, be thine the imperishable glory of sending forth this blessed invitation to mankind! Be thine the high destiny, to call the world to peace. Let the invitation extend to earth's remotest bounds; to Turk, to Persian, to Hin-

doo and Chinese; to all people, nations, kindreds, tongues, that dwell on the whole earth. And think ye it would be given in vain? Assuredly no! All heaven would smile on the immortal deed, and the assenting response of nations the most distant would come pealing back, like the roar of mighty waters, "praising God, and saying, Glory to God in the highest, and on earth peace; good-will to men."

These anticipations may appear visionary and extravagant to some; and, for argument's sake, admit them to be so. Admit, that the scheme might be considered visionary by other nations; still let the proposal be made, and let war no longer be called the last resort, till recourse shall have been had to this one. But should a Congress be convened, and no effect produced, at the least no harm would be done, and nations would thereby have manifested some disposition to put an end to this horrid evil. But until they will make an attempt of the kind, let them talk no more of their unwillingness to engage in war. Let them cease to appeal to heaven and earth for the justice of their cause. Let them cease to insult the Majesty on high with their hypocritical supplications for his blessing on their arms. Let them know that, till they will make trial of this remedy for war, they will manifest no sincere desire to avoid it, and will be guilty of the most abominable hypocrisy in pretending to deprecate it, and the most horrid guilt in embarking in it. And of this hypocrisy, this guilt, will every individual be a partaker, who justifies war under these circumstances. War, if allowable at all, is so only

when made the last resort in reality. But to leave any probable means of avoiding it untried, and to engage in it under such circumstances, is not to make it the last resort. Our plan, if adopted, would probably be the means of preventing some war, as the most skeptical must acknowledge. From these plain and undeniable premises, follows the unavoidable conclusion, that if nations will not make trial of this expedient, war will not be their last resort, but will be wholesale murder! a heavy charge indeed, but one from which there is no possibility of escape. Let nations, let rulers, let individuals, look to it; for all are concerned. Nations have no right to permit rulers to involve them in such wars. Rulers have no right to do it. And individuals have no right to aid them in doing it. Far better might rulers require us to commit individual murder, than this murder of nations. Yet, should they require the former, how quickly should we revolt against the diabolical requisition. Shall we, then, at their bidding, go forth and murder thousands in the field, which, for aught they would ascertain to the contrary, might have been spared?

There is a very prevalent idea, that nations are not bound by the same moral rules which are obligatory on individuals, and that it is therefore lawful for individuals, when required by rulers, to violate those rules which govern them in private life. Never was there a more fallacious and a more pernicious idea. The eternal rule of rectitude is founded in the nature of things, which neither time nor circumstance can change or modify. A nation has no more right to do

an act of injustice, or to sacrifice human happiness and life in a wanton manner, than has an individual. What is a nation but an aggregation of individuals, each one of whom is under certain moral obligations? And if, in one's individual capacity, he has no right to do or to require an unjust thing, why has he this right as a member of the community? I feel that I have no such right. And if I have not, another has not. And if neither of us has separately, both of us together have not. And upon the same principle, three, four, ten, a thousand, a whole nation would not have. Who, then, is this nation of which we hear so much, that requires of its citizens acts of injustice which they have no right to commit or to require themselves? An ideality, an imaginary abstraction, a moral monster, possessing all the attributes of personality save one, — conscience. We hear of national dignity, national honor, national vengeance, national magnanimity, national spirit, and so on; and it is no difficult matter to find claimants for these. Rulers and people are all fond of their full share. But let the subject of national conscience be broached, and lo! the phantom nation vanishes, leaving not a trace of its identity behind! It is individuality all! The scape-goat abstraction has fled, bearing all the blame into the far distant wilderness, the individuals who once composed the same nation being left denationalized and faultless behind! Ask each of those individuals where the guilt lies, and he will say, not in him, but in the nation. Thus would they make the nation something separate from themselves.

Suppose ye that justice is to be defrauded thus, in the day when inquisition shall be made for blood? Think ye the all-scrutinizing Eye will sanction this flimsy casuistry? Human attributes without human conscience? without moral volition? moral responsibility? No! Nations have conscience, have moral volition, moral responsibility, — and have guilt too, guilt of enormous magnitude, and of the deepest die.

Let us now sum up our subject by a brief recapitulation.

We have seen, that our proposed tribunal would be a better umpire than war, or than either of the parties; that nations are not absolutely supreme; that they are under moral obligation, under obligation one to another, and to the meanest of their citizens; that they recognize and regard a kind of international law; that they do not consider it derogatory to their honor, even now, to refer their disputes to third parties; that great improvements have been made in civil jurisprudence, and, therefore, that it is not unreasonable to expect some to be made in the jurisprudence of nations; that, in recognizing international law, they do what would be equivalent to the adoption of an international tribunal, seeing no consistent objection can be made against the existence of a tribunal, by those who admit the propriety of law; that impartiality might be expected of such a tribunal, if of any under heaven, and therefore, that men might quite as well object to civil tribunals, as to this, — especially when the penalties of the former are considered; that men do many things, and make many sacrifices, for the

general good and their own, which is a source of encouragement to lead us to hope that whatever may be the cause, the same cause may lead them, with improved views, to act still more for the general good, by the abolition of war; and that absurd and cruel customs of long standing have been abolished, and hence, that it is not unreasonable to hope for the abolition of this.

We have not proposed the adoption of the principle of national non-resistance, but a measure similar to that which is adopted for the settlement of individual disputes. We have seen that men can as easily send delegates to a Congress of Nations, as elsewhere, — and as easily abide by its decisions, as by the decisions of other tribunals; that there is, therefore, no real impracticability in the case; that mankind barely tolerate war, on account of its supposed necessity; that there is no other necessity for it than that occasioned by the management of unprincipled rulers; that war regards not the merits of a case, favors the stronger and generally the wrong party, frequently leaves disputes undecided, renders justice itself in a hard and an incomplete way, infringes on national independence, and gives full scope to aggression and ambition; that arbitration is entirely the opposite, in these particulars, paying regard to the merits of a case, favoring right, bringing disputes to a decision, rendering complete justice, respecting national independence, and holding aggression and ambition in check; that the reasons against war, and in favor of international arbitration, are as much stronger than

those against duelling and in favor of individual arbitration, as the evils of war exceed in number and magnitude those resulting from personal combat; that it is the indispensable duty of a nation to act as mediator between unfriendly powers; that it is as much more important that the law of nations be plain and explicit, than that civil law be so, as the affairs of nations surpass in importance those of individuals,—a condition to which a Congress of Nations only can reduce it; that a Congress of Nations, acting in accordance with such a code, would constitute an arbitrator vastly superior to a temporary individual arbitrator, without a code; that the establishment of a system of international arbitration, and a Congress of Nations, would induce the various powers greatly to reduce their forces; that the violation by a nation of the present unsettled international law, does not argue that a settled international one would be violated; that the project of Henry IV was radically different from ours, and, instead of being superior, is not to be named in the same connection; that there have been numerous temporary congresses of nations already, which have done much for the general weal; that justice ought not to be put to the hazard of war; that a nation that would not adopt our measure would manifest an unwillingness to come to a fair investigation; that the general state of things is tending towards the very measure under consideration; that its propriety is recognized, and its practicability demonstrated, by actual reference of international disputes in certain cases; that the necessity of general

peace is admitted on all hands; and that the great powers seem determined to preserve it.

It has likewise still further been seen, that it begins to be conceded that our scheme is not a mere reverie of good men, but that it would be the greatest earthly blessing conceivable; that many distinguished individuals have been decidedly of the opinion that something of the kind would inevitably be adopted; that the rapid increase of knowledge is another circumstance favorable to it, inasmuch as it is but to enlighten even the selfishness of men to make them favorable to it; that it is unnecessary to wait for all nations to coincide in it, before commencing it, seeing two or three can make a beginning for themselves; that, whatever other nations might do, no nation is excusable short of proposing the measure, or acceding to the proposition, if made by another; that, if such a proposition were to be made by a respectable nation, there is reason to believe it would be hailed with general acclamation; that it is only to push the measure by the various proper means, to induce this country to make it; that the magnitude of the evil of war is a reason why it may be expected that men will, on becoming more enlightened on the subject, abolish it; and that, as moral improvements are continually made, as many evil customs have been abolished, as war itself has been modified from the massacre of prisoners to occasional reference, and occasional congresses of nations, it would seem even unreasonable to suppose that nations will not take one

step more in the march of improvement, by adopting the measure proposed.

It has been seen, that it might have been objected in the cases of all the obsolete, barbarous customs, previous to their abrogation, just as is now objected in that of war, that had there been any practicable mode by which they could be abrogated, it would not have escaped the sagacity of so many wise men, but would long ere now have been adopted; that the power of rulers, in modern days, has been greatly diminished; that the interests of the people are gaining the ascendency; that our non-coercion scheme, though at first a seeming objection to the efficacy of the project, proves, on thorough investigation, to be the very reason why it would be efficacious, removing, as it would, the plea of the point of honor with regard to coercion; that the causes of many wars are so trivial in themselves that the decisions of our tribunal, by rendering it no point of honor to contend for them, would thus remove the plea for war in this respect; and that the kind of war-manifesto which rulers must issue under these circumstances, would be of such a nature, that no nation would tolerate it, no government put it forth.

We have taken into consideration the mighty influence of public opinion, and have found it to be an all-sufficient sanction for the decisions of an international tribunal, there being no desperado nations, no nations that are not vulnerable to its tremendous power; from which considerations it follows, that it

is but to enlighten this opinion on the subject of war, when it must cease. We have likewise seen, that public opinion measurably secures the observance of the present law of nations, and would much more readily secure that of an improved one, issuing from the grand Court of Nations; that public opinion is governed by expediency, justice and selfishness; all of which would be brought to bear on an enlightened public opinion decidedly in favor of our scheme; that public opinion includes that of each nation, so that rulers, in undertaking war in opposition to it, would not only act contrary to the opinion of other nations, but of their own; that international law, without an international tribunal, is a gross absurdity; that such law, as well as civil law, should be conventional; that nations can as well refer their disputes to a third party, as to negotiate respecting them; that such reference is infinitely better than war, even after negotiation; that the existence of an international tribunal would tend to lessen the number of cases of dispute, and, by protracting, to prevent war in cases that might exist; that war is a bad business altogether, and degrading besides; that it is a barbarous custom, and must, in an enlightened age, give place to something better as a substitute, whenever that can be devised; that an international tribunal would operate as a check upon the ambitious; that neither of the parties to a dispute could consistently decline its arbitration, both professing to believe themselves in the right; that men sacrifice much for the sake of the

greater good; that war is vastly worse than duelling; that Christendom is bound by her religion to abandon her war-policy, and adopt our scheme; that war is a far greater evil than the one it is designed to remedy; that a majority only is requisite to its abolition; that the people should require their rulers to settle international disputes in an amicable manner, as rulers require them to settle theirs; that even among the heathen, pacific sentiments sometimes predominate; that no one can doubt that justice would be as likely to be secured by an international tribunal as by war; that some wars would be prevented by the establishment of our tribunal, or, at the least, that its establishment would tend to the prevention of war; and that there can, therefore, be no fair excuse, on the part of nations, for its non-establishment, or, at all events, that they cannot be excused short of making the trial, and seeing whether it would be beneficial or not.

And now I ask the reader, if, after all this collection and concentration of evidences on the point, he can any longer consider the project of a Congress of Nations impracticable. Nay, can he suppose that it will be practicable for nations much longer to avoid the establishment of one? They talk of visionary and Utopian schemes. Who are the visionaries? Those who believe that, in the progress of the human mind, nations, after having done so much for the improvement of their condition, will still do more; that after having taken so many steps, they will take

one more of greater consequence than any they have taken: or those who suppose that, amid constantly increasing light, ruin will still be permitted to "drive his ploughshare over creation," because the united wisdom of mankind will fail to perceive and adopt a preventive, when plainly laid before them?

Who, I ask again, are the visionaries? Is it visionary to expect that rational beings will yet discover and promote their own true interest in a plain and an important case? Utopian! What is Utopian? What can be more so, than to suppose that nations, after having abolished so many barbarous customs, will continue much longer to cling to this one; a custom more barbarous, more horrid, than all others combined; a custom better befitting beasts than men, better suited to maniacs than to rational beings? Such a custom to stand the test in this age of light? Still to continue? To keep pace with human improvement? To ascend with it to the summit of its perfection? Utopian! It is more than Utopian to expect it to continue. The marvel is that it has continued so long—that it was not the first, as it was the worst, relic of barbarism to be discarded. Ay, it is strange, it is passing strange, that beings so tenacious of their happiness as men, did not meet this evil on the threshold; that, when the first armies were marshalled in battle array, when first the earth was drenched with human gore, and severed limbs and mangled frames lay scattered over the plain, they did not with one accord declare, that it should rage no more.

But admit our project to be Utopian. Admit that a proposition for a tribunal of the kind would be disregarded. Still it is the duty of a nation to make the proposition, ere it can plead innocence in relation to war. No nation, short of proposing the measure, and having it actually rejected, can lawfully engage in war henceforth and for ever! But should the proposition be made and acceded to, and a Congress of Nations be convoked, and its decisions even be disregarded by the parties to whom they might be adverse; in that improbable event would the state of things be no worse than it is now. For suppose the parties to go to war; pray is there not war without such a tribunal? And notwithstanding, as we have seen, our tribunal would have no executive to enforce its decisions, but would leave nations as much at liberty to wage war as before; yet, if it did not tie the hands of the aggressor, neither would it tie those of the injured, nor of the spectator nations. It would not bid those spectator nations execute its will, nor would it bid them not do it. It would declare what was right, and leave nations to take such a course as they might choose.

And now to apply the subject, and to draw to a close.

To check evil, to relieve wretchedness, to reform vice, to heal the physical and moral maladies that afflict mankind; these are great and glorious achievements. While the sun and the moon shall endure, the glorious memory of a Howard shall be graven

on every heart, and proclaimed by every tongue. It shall be but another name for philanthropy, and all nations shall call him blessed. But great and glorious as it is to correct wrong, and relieve wretchedness, how much greater, how much more glorious must it be, to prevent those evils. Blessed it is to reform the wretched sot, and to recover him from his misery, and degradation, and sin; but far more blessed had it been, to keep him from those evils, by keeping him in the path of temperance. How much wo, how much sin, would have been prevented! How vast, how immense, then, the field spread out before us, in the case which we have been considering, for the exertions of benevolence. To recover a nation from the crippled state in which war leaves her, is a work of many years. Nor can we ever assuage past grief, or alleviate past misery, or restore to life the slain. It is done — the afflictive, bloody work! The dread account is closed, to be unrolled in the great and final day of doom! And yet, it is joyous to restore the survivors to their former prosperity. It is glorious to recover a nation from the remediable effects of war. Thrice glorious, thrice glorious, then, must it be, to prevent war; to prevent those sighs, and groans, and tears, and woes, and vices, and crimes, and horrors, and murders.

We call, then, on all the friends of humanity, on all that are worthy of the name of man, to lend their aid in this momentous, this mighty undertaking; an undertaking whose object and whose prospect are the

pacification of the world. To all such would we say: If you value human life; if you value human happiness; if you regard your country's prosperity; if you deprecate vice, crime, and barbarism; if you love justice; if you are friends of law and order; if you prize the rights of conscience; if you care for the pleasures of home, and the good of society; if you pity the poor; if your hearts expand with philanthropy towards the human race; if you care for the bodies and souls of your fellow-men;—then, aid us in the suppression of war. Ye have your societies for this, that, and the other object. Ye spend a vast amount of time and treasure in promoting the details of benevolence. Abolish war, and in that single act you would prevent more evil of every description, than all the wealth of the Indies and all the exertions of the whole world could remedy, to the end of time. What a blessed opening is here for the doing of good! Who will decline to avail himself of the opportunity? If you wish to promote one good object particularly, combine your efforts with those who are engaged in the promotion of that object. But if you would promote every good object at once, and that in the most efficient way, namely, by the prevention of evil of every description, unite your efforts with ours in the great cause of peace. No wonder that the Messiah is called the Prince of peace. No wonder that it was predicted, as the distinguishing blessing that was to signalize his reign, that "nations should learn war no more." How could the benign

character of his religion be better represented, than by showing that it was calculated to overthrow this hydra evil? Thrice blessed Gospel! by thy hallowed influence all these commotions, all these heart-burnings, all these divisions and contentions shall end; man stand erect in the enjoyment of his unshackled rights, and roam unrestricted to the ends of the earth; nation commingle with nation, divested of jealousy, rivalry, and prejudice, their interests no longer conflicting; and the whole race of men constitute one general brotherhood, one immense and happy community!

Shall these blessed anticipations be realized? What prevents? Where is the friend of human kind that will not do what in him lies, to produce this glorious consummation? And where the wretch who, for pelf or fame, for obstinacy or revenge, would dare throw obstacles in the way? Breathes there so vile a recreant the air of heaven? Or if, indeed, such wretches can be found, will men permit them thus to do?

"War is a game,
Which, were the people wise,
Kings would not play at."

Heaven knows it to be a wanton, wicked waste of life. Heaven knows, that, unless made the last resort in reality, it is murder, — wholesale murder. And Heaven, too, knows, that it cannot be called the last resort, till the plan which we propose shall at least have been proved impracticable, by a fair and an honest trial.

Ye nations of the world! Ye rulers and people! Ye individual men! Will you, dare you, still pursue the work of death under these circumstances? Still pursue it when you know, that all has not been attempted which should be, for the preservation of peace? Plead you the justice of your cause? It is unjust, then, for you to hazard it by war, till every other expedient shall have failed. The all-wise Being who regulates the world, has not so arranged affairs, that all this destruction of his rational creatures by the hands of one another is unavoidable. It were an impeachment of his character to suppose he has. No. There is a way by which it may be avoided, or, at least, which you have not ascertained to be an impracticable scheme. Refusing to make trial of it, you do, by embarking in war, take the life of your fellow-beings before you know it to be necessary. If this is not murder, nothing is so. By all, then, that is awful in murder, stay your hand. If there be a God in existence, and that God a God of justice, he will surely, surely, execute judgment for the blood thus shed; not merely a national judgment, which falls on the innocent as well as the guilty, while some of the latter escape, but an individual judgment, and such a one as he has in store for the murderer, whether it be here or hereafter. Say not, ye people, that ye must obey your rulers in a case like this, — a case of wholsesale murder. You have no right to permit them to declare such war. Say not, ye rulers, that ye are not acting for yourselves, but for the people.

You have no right to act thus for them. Think not to escape responsibility thus. Not responsible indeed! when you claim the obedience of millions, and when for this very reason they think to transfer all their responsibility to your shoulders! Men may denominate this wholesale murder heroism; but God will pronounce it murder, just as he will the destruction of the life of one man by another in a private quarrel, occasioned by non-reference of their dispute to a third party; just as he will the deed of the duellist, who, deeming a court of justice insufficient, sacrifices the life of his antagonist, and perhaps his own, to false honor?

Are these things really so? Are they not so? Is it possible to come to any other conclusion? It is absolutely impossible. Avoidable war, war that is not really the last resort, is positive, is wholesale murder. And while an expedient is untried, it is not the last resort.

Hear, then, ye nations, ye rulers and ruled, ye individuals of the human race, one and all, who sanction such war. Whenever you declare war, you utter a deliberate falsehood in the face of the whole universe, by denominating it your last resort. Whenever you march to the scene of action, you go to the work of murder. Whenever you fire a gun, you let fly the lead of the murderer. Whenever you smite with the sword, you deal the blow of the murderer. Whenever you make use, in any manner, of the implements of destruction, you wield the weapons of

the murderer. Disguise the subject as you may; call your deeds by what name soever you please; flourish your trumpets, and wave your banners, and glitter in lace as you may; still the blood of murder stains your hands, and the guilt of murder pollutes your souls: and there indelible will they remain, though the trump of fame should blazon your deeds to the boundaries of the universe, and the archives of history transmit your names from generation to generation, till time shall be no more!

E S S A Y

ON A

CONGRESS OF NATIONS,

FOR THE ADJUSTMENT OF INTERNATIONAL DISPUTES, AND FOR THE PROMOTION OF UNIVERSAL PEACE, WITHOUT RESORT TO ARMS.

BY WILLIAM LADD.

ADVERTISEMENT.

As this Essay is expected to go out to the world as a separate pamphlet, or volume, as well as to be bound up with the Prize Essays on a Congress of Nations, published by the American Peace Society, it is necessary to notify those to whom it may come separate of this circumstance. Thirty-five of the dissertations, out of a greater number—I believe about forty—which were handed in for the purpose of claiming the reward offered by two gentlemen of New York, through the American Peace Society, have been read by me. Others have been withdrawn, some of which have been published by the authors of them. The Society concluded to accept the advice of the first committee of award,—the Hon. Messrs. Story, Wirt and Calhoun,—to publish the five best Essays; as the second committee, consisting of Ex-president Adams, Chancellor Kent and the Hon. Daniel Webster, did not agree on the successful competitor. The Peace Society appointed a committee of their own body to select five of the best dissertations for publication, having an eye to the awards of the above-named committees, and directed me to add a sixth, taking all the matter from the rejected Essays worth preserving, which is not contained in the Essays selected for publication. I have attended to this duty. In reading over these Essays, I noted down every thought worth preserving; and I present them here in a body, with such reflections, additions and historical facts as occurred to me during my labor; so that my claim to originality, in this production, rests much on the thought of separating

the subject into two distinct parts, viz., 1st. A congress of ambassadors from all those Christian and civilized nations who should choose to send them, for the purpose of settling the principles of international law by compact and agreement, of the nature of a mutual treaty, and also of devising and promoting plans for the preservation of peace, and meliorating the condition of man. 2d. A court of nations, composed of the most able civilians in the world, to arbitrate or judge such cases as should be brought before it, by the mutual consent of two or more contending nations: thus dividing entirely the diplomatic from the judicial functions, which require such different, not to say opposite, characters in the exercise of their functions. I consider the Congress as the legislature, and the Court as the judiciary, in the government of nations, leaving the functions of the executive with public opinion, "the queen of the world." This division I have never seen in any essay or plan for a congress or diet of independent nations, either ancient or modern; and I believe it will obviate all the objections which have been heretofore made to such a plan.

WILLIAM LADD.

BOSTON, JANUARY, 1840.

E S S A Y.

CHAPTER I.

INTRODUCTION AND GENERAL REMARKS.

1. Self-love—2. Man a social being—3. Man as a rational being seeks alliance of others—4. Of Conquest—5. Of voluntary government—6. Safety the chief object of government—7. Nations moral persons—8. International Law necessary for their government—9. Difficulties anticipated—10. Extent of the organization—11. Want of power to enforce decrees.

1. SELF-LOVE is a passion universally predominant in the animal, man. It was born with him, is inherent in his nature, and is the mainspring of all his actions, while he continues in his natural state. In this state, man seeks the gratification of his animal passions, without regard to the welfare of others. As this is the case with every man in a state of nature, it follows, that every man is liable to come into conflict with every other man in his immediate neighborhood, and to resort to violence to gratify his lusts and passions. Hence, as was observed by Hobbes, "the

natural state of man is war," in which the strong and the cunning will always obtain the mastery over the weak and unsuspecting; and will rob, murder, and enslave them, whenever they think it expedient.

2. But man is a social being, and he feels it not good for him to be alone; and he chooses to himself a partner of his joys and sorrows, whom, by force, fraud, or persuasion, he obtains. A family of children is the consequence. The parents are bound to one another, and to their children, by a softer, but as strong, a tie as self-love—or rather it is self-love extended to their partner and to their children. Hence come families, the germs of nations, bound together by affection to their clan, and governed by patriarchal authority, until they find it convenient or necessary to part, and each individual becomes the germ of a new family, tribe, or nation.

3. But man is also a rational animal, and he soon perceives that there are enjoyments which can more easily be procured by persuasion, than by force; and that though he may be stronger than another individual, two other individuals may be stronger than he—that he cannot always be on the watch to preserve the property he has acquired by robbery, the chase, or agriculture—and that he also is subject to inconvenience from the theft, or violence, of others; hence he soon finds himself compelled to make a certain convention, or agreement, with others, both inferiors and equals, both as an individual and as the head of a tribe. These compacts are guaranteed by religion, public opinion, and certain undefined laws of honor

dependent on them; but most of all by a general perception of the truth, that the happiness of the whole is best promoted by the subservience of the interests of the few to the interests of the many.

4. It would be pleasing to the philanthropist, if he could conceive that the ways abovementioned were the only ones in which states have been formed; but, unhappily, it is not so. From the first ages, Nimrods, mighty men of war, by force or fraud, have enslaved other men, held them in bondage and vassalage, and been obliged to make laws for them, which have continued, with more or less severity, until those slaves and vassals have become more enlightened, and taken a part, or the whole, of the government into their own hands.

5. In some few cases, the people, feeling their incompetency to govern themselves, have been willing to continue under the paternal government of the elder branch of the family, and hereditary monarchy, at times accompanied with a change in the reigning family, has followed. Under these various forms of government, man has been infinitely happier, than he would have been in a state of nature and anarchy; and generally nations have, naturally and without consultation, taken that form of government best adapted to the people. For many nations, absolute monarchy is best, for some a limited monarchy, for a few a republican form, and for a few very small states, even a pure democracy is perhaps the best; but the different features of all these forms of government are variously combined in infinite diversity, according to the genius of the people governed.

6. The chief end and purpose of government is, to prevent one person from injuring another; so that every one may sit under his own vine and fig-tree, with none to molest or make him afraid. This is the object of all our laws, and all the expensive machinery of government, which has taken care that no individual should molest his neighbor; and when disputes arise, so far from leaving each individual to take his cause into his own hands, governments have provided courts of law to decide the controversy. In many governments, the legislative has been entirely separated from the judicial power, and the executive from both. In all of them, the impartiality of the judicial power has been in a ratio equal to the knowledge and virtue of the people. In some of these governments, laws have been made, not only for securing the rights of private individuals, but also of bodies corporate, and even of component parts of the empire which are for many purposes independent. No such thing has yet been done with respect to nations, though courts have been instituted, to decide controversies which have arisen between two or more members of the same confederacy of nations. Our object is to go one step further, and appoint a court, by which contests between nations shall be settled, without resort to arms, when any such controversy shall be brought, by mutual consent, before it.

7. By consent of all writers on international law, nations are considered as individual, moral persons, perfectly equal and independent of one another. Therefore, the same moral laws which ought to govern

individuals, ought to govern nations. What is wrong for an individual, is wrong for a nation. In the intercourse of these moral persons, disputes will arise, injuries will be done, retaliation and revenge will follow, and, unless some means of terminating their disputes by amicable and rational methods are devised, war will be the consequence. There are three ways already in use, whereby war may be avoided. The first is, by cultivating a spirit of peace, which is the spirit of the gospel, and is as much the duty of nations as it is of individuals; by this means, injuries, especially if not very grievous, will be overlooked, or be passed by with a bare remonstrance, and an appeal to the moral sense of the nation that has inflicted the injury. The second is, by negotiation, where the subject in dispute is formally discussed and settled by reparation or compromise. If this cannot be done, the next step is mediation of a friendly power, accompanied with arbitration and the acceptance of the award. The last resort is war, which commonly increases, instead of remedying the evil. We propose a plan more likely to procure justice than either of these.

8. As government is an ordinance of God, necessary for the safety, happiness and improvement of the human race, and as it is absolutely necessary for the peace of society, that when the selfish passions of man come in conflict, the judgment of the case should not be left with the individuals concerned, but with some impartial tribunal; so it is equally necessary, for the peace and happiness of mankind, that when the

selfish passions of *nations* come in conflict, the decision of the case should not be left with an individual nation concerned, but should be referred to some great tribunal, that should give a verdict on the affairs of nations, in the same manner that a civil court decides the disputes of individuals. If it was desirable for individuals, bodies politic, and small independent tribes, to unite in some general system of jurisprudence, why is it not equally desirable for large tribes and nations to do the same?

9. There are two difficulties in the way, which require our attention; but it will be found that they may as easily be removed as were the difficulties attending the commencement and advancement of institutions for the adjudication of difficulties arising between individuals. The first of these is the want of a body of men to enact and promulgate laws for the government of nations; the other is the want of a physical force to carry the decisions of a court of nations into execution.

10. As to the first difficulty, the formation of what we call a CONGRESS OF NATIONS is no greater than the assembling of any convention for the enactment of laws, by mutual consent, for the government of the parties represented. It is not expected, that such a combination of powers would be of a very great geographical extent, as it could only embrace the most civilized, enlightened, and Christian nations that could be represented at one great diet, by their ambassadors; and there form a league and covenant, each with every one, and every one with each, that

they would, in their future intercourse, be governed by the laws enacted by the diet or congress and ratified by the governments of all the powers so represented. The world has now a kind of code of *voluntary* international law, laid down by eminent civilians, which is, for the most part, respected, but which is not confirmed, by any compact or agreement, and on which the authors themselves often differ, so that what is now called the law of nations, is but little better than a nose of wax, which may be twisted either way, to suit the purposes of dominant nations.

11. The magnitude of the second difficulty is apparently greater, but it will be much reduced by reflection. It is true, it would not comport with the peace and happiness of mankind, to invest rulers with the power to compel an acquiescence in the decisions of a COURT OF NATIONS by arms; but if we look into the condition of man in a state of civilization, it will be found, that where one man obeys the laws for fear of the sword of the magistrate, an hundred obey them through fear of public opinion. But I would further observe, 1st, that public opinion has not yet been made to bear on nations, and little or no means have hitherto been used to make it bear on them. The plan we propose is one of the means eminently adapted to make it bear on them, as will be shown in the sequel. 2. We do not know what means the congregated wisdom of Christendom may devise for the enforcement of the decisions of a court of nations, by so regulating the intercourse of nations that a refractory member might be made to feel that its duty

is its true interest. 3. As it is not intended that this court of nations shall judge any cases but such as are submitted to it by the mutual consent of both parties concerned, its decisions will have as much to enforce them as the decisions of an individual umpire, which has so often settled disputes between nations. 4. Though at the commencement of this system, its success may not be so great as is desirable, yet, as moral power is every day increasing in a geometrical ratio, it will finally take the place of all wars between civilized and Christian nations, much in the same manner as a civil court has taken the place of the judicial combat. With these preliminaries we now proceed to a more minute consideration of a Congress and a Court of Nations, each by itself.

CHAPTER II.

ON THE ORGANIZATION OF THE PROPOSED CONGRESS OF NATIONS.

1. A Congress of Nations a separate thing from a Court of Nations—2. Organization of the Congress—3. Formation of a Code of International Law—4. Progress necessarily slow—5. No concern with internal affairs of Nations.

1. Our plan is composed of two parts, viz., a Congress of Nations and a Court of Nations, either of which might exist without the other, but they would tend much more to the happiness of mankind if united in one plan, though not in one body. A congress of ambassadors from all those Christian and civilized nations who should choose to unite in the measure, is highly desirable to fix the fluctuating and various points of international law, by the consent of all the parties represented, making the law of nations so plain that a court composed of the most eminent jurists of the countries represented at the Congress, could easily apply those principles to any particular case brought before them. Such a congress would provide for the organization of such a court; but they would not constitute that court; which would be permanent, like the Supreme Court of the United States, while the Congress would be transient or periodical, with a change of members like the Congress or Senate of the United States. It is not proposed that the legislative and judiciary bodies shall be

united. The Congress of Nations, therefore, is one body, and the creator of the Court of Nations, which is another distinct body. Any nation represented at the Congress might change its delegates as often as it pleased, like other ambassadors, but the members of the court would hold their offices during good behaviour.

2. The Congress of Nations would be organized by a convention, composed of ambassadors from all those Christian or civilized nations who should concur in the measure, each nation having one vote, however numerous may be the ambassadors sent to the convention. This convention would organize themselves into a Congress of Nations, by adopting such regulations and by-laws as might appear expedient to the majority. Those who would not agree with the majority would, of course, have leave to withdraw from the convention, which would then constitute the Congress of Nations, choose its president, vice-presidents, secretaries, clerks, and such other officers as they would see fit. New members might be received, at any time subsequent to the first organization of the Congress, by their embracing the rules already adopted and the nations sending them adopting the laws of nations enacted by the Congress, and duly ratified before their becoming members of the confederation.

3. After organization, the Congress would proceed to the consideration of the first principles of the law of nations as they are laid down by civilians and agreed to by treaties, throwing all the light which the

congregated wisdom of the civilized world contains on the principles of international law, and applying those principles to classes of individual cases. No principle would be established, unless it had the unanimous consent of all the nations represented at the Congress, and ratified by all the governments of those nations, so that each and every principle would resemble a treaty, by which each nation represented bound itself to every other nation represented, to abide by certain expressed principles in their future intercourse with one another; which agreement or treaty shall not be annulled, except by the consent of all the parties making it.

4. That the progress of such a Congress would be very slow, it must be allowed; but so far from being the worse, it would be the better for that, and more likely to produce permanent and useful results. It would not be necessary that each article of the compact, thus entered into, should be ratified by the nations concerned, before the Congress proceeded to settle other points; but the whole, having been agreed on in Congress, could be submitted to the governments represented, and such points as should be unanimously adopted should be considered as settled points of international law, and the remainder left open for further investigation; and thus all the most material points of international law would be for ever settled, and other points put in a fair way of being settled. The Court of Nations need not be delayed until all the points of international law were settled; but its organization might be one of the first

things for the Congress of Nations to do, and in the mean time, the Court of Nations might decide cases brought before it on principles generally known and acknowledged.

5. The Congress of Nations is to have nothing to do with the internal affairs of nations, or with insurrections, revolutions, or contending factions of people or princes, or with forms of government, but solely to concern themselves with the intercourse of nations in peace and war. 1st. To define the rights of belligerents towards each other; and endeavor, as much as possible, to abate the horrors of war, lessen its frequency, and promote its termination. 2d. To settle the rights of neutrals, and thus abate the evils which war inflicts on those nations that are desirous of remaining in peace. 3d. To agree on measures of utility to mankind in a state of peace; and 4th, To organize a Court of Nations. These are the four great divisions of the labors of the proposed Congress of Nations.

CHAPTER III.

ON THE RIGHTS OF BELLIGERENTS WITH RESPECT TO EACH OTHER.

1. The rights of belligerents have their limits—2. The right to declare war—3. Are all means of destroying an enemy lawful?—4. Confiscation of private debts—5. Detention of the subjects of an enemy—6. Who may be made prisoners of war?—7. Property liable to capture—8. Voyages of discovery—9. Compacts with an enemy—10. Of Truce—11. Of Retaliation.

1. THE rights of belligerents have their limits, even as they respect one another. Humanity has been shocked and outraged by excesses committed by them; and there is no good reason why nations should not mutually agree to frown on all the cruelties of war which are unnecessary to the ostensible object of it. A nation, by declaring war, makes every subject of the country against whom war is declared, technically speaking, an enemy—*hostis*, a national enemy, not *inimicus*, or a personal enemy. It would be hard to show that the gospel has made any difference; but man has; and a person may be an enemy, according to the law of nations, who is a friend and brother, according to the law of God. If nations will continue to make war, they should endeavor to violate the law of God as little as possible, and put all practicable bounds to savage exhibitions of national enmity. The rights of belligerents over their enemies ought to be regulated by acknowledged principles;

and the condition of prisoners of war and of the vanquished should be, as much as possible, ameliorated. Vattel holds that prisoners of war may be made slaves, when we may lawfully kill them.* Burlamaqui thinks we may kill them in "cases of necessity."† Formerly prisoners of war were enslaved or put to death without disgrace, and until a very late date, viz., the wars between Charles XII of Sweden, and Peter the great, of Russia, prisoners were made slaves during the war; but the increased light of Christianity leaves but little to be done on this subject.

2. The question should be settled by the Congress, Whether a nation, unless attacked, has a right to declare war against another nation, or make reprisals, until it has resorted to all other means of obtaining justice, such as negotiation, and an offer to leave the dispute to arbitration, or to cast lots, or settle the dispute by the ordeal of battle by two or more champions? The last two modes of settling international difficulties are not seriously proposed in this age of light and good feeling, but only to show, that, however absurd they are in themselves, they are altogether better for both the parties concerned, and for the world at large, than the greater absurdity of war, and just as likely to do justice to the parties, at a much less expense of life and money. Many other questions should be solved by the Congress, such as the following:

* See his Law of Nations, lib. iii, § 152.

† Burlamaqui, part 3, c. v, § 8.

3. Are all means of destroying an enemy lawful? Is it lawful to poison an enemy's food, or his springs and wells of water,—to use poisoned arms, to fire at him such missiles as broken glass bottles and rusty nails, which inflict almost incurable wounds, without killing,—to make use of torpedoes, fireships, mines, &c. Is assassination to be allowed; and under what circumstances? Burlamaqui allows of assassination of an enemy under certain circumstances.* He reasons correctly and ingeniously, when he says, "If we may employ a great number of men to kill an enemy, we may certainly employ a less number," though he doubts whether we may employ one of the enemy's subjects to do it by falsehood and treason. But what is employing deserters, but hiring men to kill their compatriots; and what are falsehood and treason, but stratagems of war? It is not morally worse to cut off an enemy by assassination, than by ambuscade, torpedo, or mine, and if I may do it by hiring traitors and deserters in masses, why may I not do it by a single traitor or deserter? How many allow of employing deserters or traitors in masses, who would shudder at the thought of employing a single deserter to do similar things! By beginning to prohibit the employing of single deserters or traitors, Christian nations may, at length, come to prohibit the employment of deserters and traitors in masses.

4. Has a nation, by declaring war, a right to confiscate private debts due from the enemy to its own

* Burlamaqui, part 4, c. vi, § 15.

subjects? During the war of the American revolution, the Americans confiscated the private debts due from American to British subjects; and as a bribe to betray the debts, a part of the spoils was offered to the debtors. This principle was afterward abandoned, and in the treaty of peace, indemnity to the British merchants was promised. Vattel thinks that a belligerent has a right to confiscate such debts, or at least to detain the payment during the war.* A Congress of Nations should settle this question.

5. Has a nation a right, on going to war, to detain the subjects of an enemy, either civil or military, who may happen to be in its territory; and to what extent shall that right be exercised?—on the military only, or on civilians also?—on men only, or on women and children also, and on property? On the breaking out of war after the short peace of Amiens, Napoleon detained the British subjects that were found in France, as prisoners of war, but how far he carried this principle, I do not know. His motives probably were to draw money, for their support, from England.

6. Who shall be considered as combatants and liable to be made prisoners of war? Formerly all the subjects of an enemy were considered combatants, and alike liable to be made prisoners of war and to be murdered, or sold into slavery. Civilized society, under the mild influence of Christianity, has much ameliorated the condition of conquered enemies, and but very few, except such as are found with arms in

* Law of Nations, book 3, § 77.

their hands, are excluded from the list of non-combatants. It is very desirable to extend this list, so as to include the man who catches whales, as well as the man who catches smaller fishes—the man who ploughs the ocean on his own peaceful business, as well as the man who ploughs the field.

7. What property of an enemy shall be liable to capture? Formerly all property, both public and private, real and personal, became the property of the captor. Now, private property on shore is respected, and property afloat only is captured. A merchant vessel, on the stocks, is not liable to capture; on the water she is, except small vessels employed in the fisheries. Cicero observes, that it is not contrary to the law of nations to plunder a person whom we may lawfully kill.* But if we may plunder those only whom we may lawfully kill, then we should no longer plunder the peaceful merchant. May a conqueror seize private landed estate as the spoils of war? May churches and public property of a civil nature be plundered by an enemy? Burlamaqui allows it; but it has become a reproach to any people to do it. The burning of the capitol at Washington was justified by the British on the plea of retaliation; and even, on this plea, they begin to be ashamed of it.

8. A Congress of Nations might settle what protection should be afforded to the ships of enemies making voyages of discovery. The American government, and, I believe, the French also, agreed not to

* Cicero, De Officiis, lib. 3, c. vi.

molest the squadron of Captain Cook. Missionary stations, settlements on barbarous coasts for benevolent purposes, light-houses, buoys, beacons, and even the military hospitals of the enemy, should be respected.

9. Is a compact made with an enemy at an end as soon as war is declared? Grotius is of opinion that contracts made with an enemy are binding. Puffendorf doubts it.

10. What is the nature of a truce? and what formalities are necessary at its commencement and its end? What rights does a belligerent give up by a truce? and what does he retain? What rights belong to heralds, flags of truce and cartels? How may intercourse be carried on between belligerents? What security does a safe conduct concede? What is the nature of parole, ransom, and the giving of hostages? Even in this day of comparative light, it may be well to put some limits to the right which a belligerent has over the person of his enemy by the general consent and treaty stipulations of all Christian nations, each being bound to all; and a Congress of Nations is the only place where such a compact can be executed.

11. Cannot something be done to meliorate the barbarous custom of retortion and retaliation; or at least to regulate it? How are spies, deserters, and prisoners who have violated their parole to be treated? Is it not possible to put some limit to the power of a belligerent over the life of his enemy? Is it allowable,

under any circumstances, to kill unresisting persons, who have been guilty of no offence but being made enemies by proclamation? There is reason to hope, that much may be done to moderate the severity of war in all these particulars, in a body representing the congregated wisdom of Christendom; and as the judicial combat gradually gave place to the grand assize, when the follies and cruelties of the ordeal by battle were exposed and mitigated, so the ordeal of war may gradually give place to a court of nations.

CHAPTER IV.

ON CERTAIN RIGHTS OF BELLIGERENTS WHICH MAY AFFECT NEUTRALS ALSO.

1. The rights of conquest—2. Of Expatriation—3. Privateering—4. Neutrals found in an enemy's camp.

1. UNDER this head there is one very important question to be settled by a Congress of Nations, viz., How long shall a territory remain in possession of the conqueror before it shall be considered as his own, so that he may convey it away to another nation, and for ever cut off the right of the former owner? One would naturally suppose, that when a treaty of peace is ratified, ceding the conquered or disputed territory, the right of the former possessor would for ever cease; but this doctrine is disputed, and some Americans have hinted at a claim to the western coast of North America, on the ground that its relinquishment to England by Spain, was the effect of compulsion; and that since the purchase of Louisiana and all which belonged to it, we stand in the place of Spain with respect to the north-west coast of America, and have a right to claim it, as soon as we are strong enough. We ought, however, to remember, that the cession of Louisiana to France, from whom we bought it, was also the effect of compulsion, and Spain would have an equal right to reclaim the whole from us.

The American forces in Georgia were authorized by government to receive Amelia Island in East Florida from whomever should be in possession of it. If we had received Texas into our Union, would it have been consistent with the existing law of nations? The principles on which such things should be regulated, can only be settled by a Congress of Nations.

2. It is highly important to the peace of the world in general, and of Great Britain and the United States of America in particular, that the right of expatriation should be better understood than it is now. The American government claims the right of naturalizing foreigners in such a manner as to affect their allegiance to their native country. During the late wars in Europe, it was stated by a committee of the Congress of the United States, that 6257 Americans had been impressed into the navy of Great Britain; but what proportion of them were natives of that power, naturalized here, the committee do not state. The subject of impressment was the principal cause of the last war between Great Britain and America, though Great Britain had always disclaimed the right of impressing native Americans. Before another war breaks out in Europe, this principle of expatriation should be settled. Some may think that this article would come better in the next chapter; but though the settlement of this question is of great importance with respect to neutrals generally, and to Great Britain and America in particular; to all the rest of the world, it is of great importance as it respects belligerents also. Certainly a nation has a natural right to deal with her own subjects

as she may think proper, and a Congress or Court of Nations would not interfere; but the great question is, Who are her own subjects? In settling this question, the United States are at variance with almost all the rest of the world, and the settlement of the question, —whether a man has a right to expatriate himself or not,—is of great importance to us, not only as a neutral, but as a belligerent. Having a great number of naturalized foreigners among us, and our army being composed, in a great measure, of such characters, it is important for us to know whether we ought to retaliate, if any of them, taken fighting against their native country, should be condemned to death, and whether, by the present law of nations and general usage, we should have a right to put to death Americans only, taken in arms against this country, or any other prisoners of war also. These important questions can never be settled by any unauthorized writers on the law of nations, and can only be done by a compact and agreement. I think that Great Britain would be willing to relinquish her assumed right of searching our ships for her seamen on the high seas, —and perhaps in her own waters also,—for the right of searching for slaves under our flag on the coast of Africa, which right we now deny.

3. A Congress of Nations could settle the great question, so long agitated, whether privateering should any longer be allowed in carrying on the wars of civilized and Christian countries; and this relic of barbarism and piracy be at last done away. The government of the United States has made great

endeavors to abolish this evil, though with but little success. The instructions given, by the Congress of the old confederation, to our ambassadors abroad, directed them to endeavor to procure the general abolition of the practice of privateering. Frederick III of Prussia was the only one who consented to give up the practice; but in a Congress of Nations its entire abolition would easily be effected.

4. Another question, nearly related to the last two is, the manner in which a belligerent nation may treat the subject of a neutral nation, when found in an enemy's camp, fleet, or privateer? By many, they are considered pirates, and, morally speaking, certainly they are no better. In the same connection, might be agitated the question, whether, when a nation has offered to leave its disputes with another nation to the Court of Nations, and that other nation shall refuse, or having so referred it, shall refuse to abide by the decision, but should go to war — in such a case, may the subjects of a neutral nation engage in war against the party so offending? If it were ever justifiable to take a part in foreign wars, it would be under such circumstances, and a nation might then allow its subjects to engage in a foreign war, according to the law of nations, if not according to the law of God.

CHAPTER V.

ON THE RIGHTS OF NEUTRALS, TO BE ESTABLISHED BY THE CONGRESS OF NATIONS.

1. Wars often extend to neutrals—2. Rights of a neutral flag—3. Neutral flag covering enemy's property—4. Salvage on a neutral ship—5. Medicines to a blockaded port—6. Of blockade—7. Of contraband of war—8. Right of search—9. Rights of a belligerent over the crew of a neutral—10. When has a neutral the right to buy captured goods—11. Neutral transports—12. Trade of a neutral in the manufactures of an enemy—13. Neutral trade which is prohibited in time of peace—14. Right of transition through a neutral country—15. Rights of a private neutral to engage in war—16. The right of a nation or an individual to take part in foreign revolutions—17. Extent of neutral rights from the shore—18. Other subjects.

1. We have considered the rights which the common consent of mankind has allowed to belligerents, in their conduct to each other; but this consent is far from being universal, and many points remain to be settled by the concentration of public opinion in a Congress of Nations. We now come to consider the rights which public opinion has generally given to neutrals, on many points on which there is yet a considerable difference of opinion, not only in the world at large, but also among the writers on international law. It is owing to this uncertainty, that when two powerful nations go to war with one another, almost all the nations of Christendom are, sooner or later, forced into the contest. If the rights of neutrals were better understood — especially if the general principles,

which should regulate the conduct of neutrals to belligerents and of belligerents to neutrals, were solemnly agreed to by the principal powers of Christendom, assembled in a Congress, — and still more especially, if there were a high court or congress, to which injured nations might appeal for redress, wars would not spread as they have done, and would not be of long continuance. Some of the questions relative to the rights of neutrals, which might be for ever settled by the Congress of Nations proposed, are as follows:

2. Shall a neutral flag cover all that sails under it, provided the voyage be made from one neutral port to another? The law of nature would seem to demand this. The sea is the highway of nations, and a ship is but an extension of the territory of the nation to which it belongs, especially on the high seas, and until it comes within the territorial jurisdiction of another nation. Hence it would appear, that a belligerent has no more right to impede his enemy in his progress from one neutral nation to another, on board a neutral ship, than he has to impede him in passing from one part of a neutral country to another, especially if this enemy be not a military man. Perhaps some concession to the rights of humanity on this subject might be obtained from a Congress of Nations.

3. Shall a neutral flag cover an enemy's property or person, when bound from a neutral to a belligerent country, and if not, what shall be the law of capture and detention? Shall freight be paid on an enemy's goods taken out? Shall this enemy's prop-

erty affect the neutral ship and the rest of the cargo? Burlamaqui is of opinion that neutral vessels, having enemies' property on board, are lawful prize, if such property be on board with the consent of the owners. As to all those questions, he observes, that, "prudence and just policy require that sovereigns should come to some agreement among themselves, in order to avoid the disputes which may arise from these different causes." * This is the very thing which we are aiming at, in proposing and advocating a Congress of Nations.

4. Under what circumstances shall a neutral ship pay salvage to the belligerent who recaptures her from his enemy? Must the neutral have been carried *infra præsidia* of the captor — or have been twenty-four hours in his possession, and be loaded, in whole or in part, with the property of his enemy? It is hard to make a neutral pay salvage, when he would have been released if he had been carried into the port of the captor.

5. If a pestilence should break out in a blockaded port, would a neutral be allowed to carry medicines to it? Humanity would say, yes. I do not know what a Congress of Nations would say.

6. What shall constitute a blockade? Civilians are not agreed on this subject. Some hold that a port, to be blockaded, must be invested by sea and

* Burlamaqui's Principles of Natural and Political Law, part 4, c. iv, § 24.

land. Others hold a blockade to be lawful, if the harbor only be guarded by a blockading squadron. What notice shall be given of the blockade? Is it sufficient that a blockade be published by proclamation, and neutral nations warned through their ministers at the court of the blockading power? Or shall a neutral ship be warned once, at least, and within a certain distance of the blockaded port, and her papers endorsed, before she shall be liable to capture for breach of blockade? If a storm drive away the blockading squadron, does the blockade continue in their absence? and shall a ship which enters the blockaded port without warning, be liable to be seized and condemned on her coming out? Shall a neutral ship, which enters a belligerent port before a blockade, be allowed to depart? The "Orders in Council" and the "Berlin and Milan Decrees" were infringements on the ancient law of blockade. Uncertainty on this subject is a fruitful source of war and enmity. If the whole subject could not be made clear by a Congress of Nations, some of the plainest principles might be settled, and an approximation might be made to a clear understanding and general agreement on the whole subject.

7. It is highly important that the list of articles considered contraband of war should be more clearly defined than it is now, and considerably reduced. Every article of contraband of war should be specified, and not left to general rules. Tar, pitch, hemp, flax, iron, and other articles used to construct and fit out

men-of-war, are not solely or principally used for that purpose, and should not, in their raw state, be included in the list of articles considered contraband of war; while saltpetre, sulphur, and some other crude articles, are almost wholly used for the purposes of war. But it is of greater importance to have the articles considered contraband of war clearly defined, than the bare extension or curtailment of the list of contraband articles. It is of the utmost importance to a neutral merchant, sending his ship to sea loaded, in whole or in part, with tar, iron, hemp, or flax, to know whether he can ensure his ship as free from contraband of war. Uncertainty on this point not only disturbs the harmony of nations, but may be the cause of endless lawsuits between merchants of the same country — the insurer and insured. It is impossible for any writer on the law of nations to specify what articles shall be considered contraband of war. That can only be done by a Congress of Nations; and if done, it would dry up a fruitful source of war.

8. The right of searching neutral ships for contraband of war and enemies' property has never yet been clearly understood, in all its bearings. Shall the contraband articles, and the property of an enemy alone, be liable to confiscation? or shall the smallest quantity of naval stores or enemies' property authorize the confiscation of the other part of the cargo and the ship? May a neutral ship be carried into the territory of a belligerent for search, or shall it be done at sea only? Shall freight be paid on the property

seized, or not? These questions can only be settled in a Congress of Nations.

9. Has a belligerent a right to take from a neutral ship, without the consent of her captain, one of the crew who is neither the subject nor the enemy of the belligerent, and thus break the lawful contract of such seaman with the captain? Should it make any difference, if the subject of the enemy had been naturalized in the country of the neutral ship?

10. How long a time shall a captured ship, or goods, remain in the possession of a belligerent, before a neutral has a right to buy them? Grotius thinks not until they are brought within the precincts of the country of the captor. Burlamaqui thinks that the captor has a right to sell them as soon as captured.*

11. Has a neutral ship a right to transport the soldiers and military stores of a belligerent? If not, how shall the crime be punished; and at what time shall the ship, so used, be free from capture and condemnation for the act?

12. Has a belligerent the right to prohibit neutrals from trading in the manufactures of an enemy? Under the "Berlin and Milan Decrees," vessels were condemned for having on board English manufactures, and even for speaking or being boarded by British men-of-war. Were either of these causes of condemnation justifiable by the law of nations?

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* See Burlamaqui, part 4, c. vii, § 15, *et seq.*

13. Has a neutral a right to carry on a trade in time of war, which he is not allowed in time of peace? This is a very important question, for on it depends the legality of much of the trade of neutrals. The difficulties attending this question nearly brought the United States into a war with Great Britain, in the early part of the war of the French revolution. American vessels traded directly from French colonies in the West Indies to France, or barely touched at some American port, to neutralize their cargo, without discharging it? This was complained of by the British government, and called out the famous pamphlet entitled "War in Disguise," supposed to have been written under the direction of the English cabinet. On the other hand, the "Navigation Act" of Great Britain was almost entirely suspended, and American vessels were allowed to carry almost any thing to England, from almost any country.

14. Has a belligerent a right to pass through the territory of a neutral without his consent? This is a very difficult and complicated question, and is not likely soon to be settled, even in a Congress of Nations; but some approximation may be made toward a settlement of it. Grotius allows the right, while Burlamaqui denies it, and Vattel allows it in certain cases and denies it in others.*

15. Has a private subject a right to engage in war against a country with which his own country is at

* Vattel, book 3, c. vii.

peace? It was laid down as a principle by General Jackson, in the case of Arbuthnot and Ambrister, that such characters should be treated as pirates, and this opinion has been sanctioned by the American people. Is this principle a correct one? A Congress of Nations only can settle the question.

16. The right of foreign nations or individuals to take a military part in the revolutions of other countries should be clearly defined, and either allowed or forbidden. Not only should the right of governments be defined, but the question should be settled, whether a nation has a right to allow of forces being raised from among their subjects for such objects. The world has been much in the dark on this subject, and contrary opinions have prevailed, according to circumstances. Great Britain has blamed this country very severely because we have not prevented our citizens from taking part in the troubles in Canada; while she has openly allowed the enlistment of soldiers, to take a part in the revolutions in Spain and Portugal, and in the American revolution bought whole regiments of foreign troops. In 1833, two hundred and fifty men were enlisted in England for the war in Portugal, uncertain which side they would take.

17. How far from shore shall neutral rights extend? Some say to the distance of a cannon shot—some to the distance of a league. Has a belligerent a right to anchor on a neutral shore, in order to blockade his enemy's fleet in a neutral harbor? It was very grievous to the Americans, during the last great wars

in Europe, to have British men-of-war anchor off our harbors, and even in our very roadsteads blockade French ships of war, and examine every ship going and coming, and impress seamen. Some of our bays are more than two leagues wide. Has a belligerent a right to attack an enemy in our bays?

18. There are many other subjects relating to the rights of neutrals, the principles of which ought to be fixed by general consent, in a time of peace, while the public mind is unbiased by passing events; and no power is adequate to this duty but a Congress of Nations. Were it done, many wars would be prevented.

CHAPTER VI.

ON PRINCIPLES AND ACTS OF A CIVIL AND PACIFIC NATURE, AFFECTING THE INTERCOURSE OF THE WORLD AND THE HAPPINESS OF MANKIND, TO BE SETTLED AND AGREED UPON BY A CONGRESS OF NATIONS.

1. The cooperation of nations required for plans of general utility—2. Rights of ambassadors—3. Surrender of felons and debtors—4. Suppression of the slave trade and piracy—5. Improvements in international communication—6. International copy-rights and patents—7. Free navigation of bays and rivers—8. Rights of discovery and colonization—9. General reduction of military establishments—10. Restoration of military trophies—11. Other subjects.

1. THERE are many things of a pacific and civil nature, which require the cooperation of nations, and which can only be settled in a congress of ambassadors, where the subjects may be freely discussed and adjusted.

2. The rights of ambassadors, ministers, envoys, and consuls, should be settled in such a manner as no longer to be the subject of international disputes. That the persons, domestics and property of diplomatic agents should be exempted from arrest for debt, admits not of a question; but it is doubtful how far such characters should be exempted from the operation of the criminal code of the countries where they reside. I suppose such persons may be arrested and imprisoned for crime; but I doubt if they can be further punished in any other way than being sent

out of the country or delivered up to their own government. How far shall an ambassador's house be an asylum for criminals and debtors, not members of the legation where the crimes were committed, or the debts contracted?

3. The surrender of felons and debtors—Puffendorf is of opinion, that felons should not be delivered up, unless there is a treaty stipulation to that effect. Now a Congress of Nations is a congress of ambassadors, who may be empowered to make these treaty stipulations. Burlamaqui, however, is of opinion, that all felons should be given up, without any treaty stipulations. With respect to persons, charged with political crimes in time of civil war and commotion, and refugees from conquered countries, the case is more difficult. Nations may agree to warn such characters away, especially if demanded by the nation from whence they come, and more especially if they should be reasonably suspected of forming plots and conspiracies against their own country; but it would be hard to give them up, if innocent of any such thing, at least until the excitement in their own country had subsided.

4. A Congress of Nations is the only place where measures may be concerted, effectually to suppress the slave trade and piracy. Nations, when represented in a general congress, would more willingly give up the slave trade; and more willingly allow their vessels to be searched for slaves. Measures could be agreed on, which would nearly put a stop to piracy; but if wars cease, piracy will cease of course, for war is the nursery of pirates.

5. Some mutual understanding and cooperation in making railroads and canals across the isthmus of Darien and Suez, might be agreed on, and the erection of lights and buoys on uninhabited or barbarous coasts and straits much frequented by civilized nations might be attempted by this Congress, and the principles of salvage on wrecked property and vessels abandoned at sea might be better defined.

6. The subjects of international patents and copyrights might be attended to by this Congress, and some progress might be made toward an international post-office, to extend all over the world. Neither is it too much to expect, that the time may come, when an universal standard of weights, measures and coins will be settled by such a Congress.

7. The general principle of the free navigation of bays and rivers might be established by this Congress, and thus many inconveniences and, perhaps, wars saved. It seems perfectly reasonable, that a nation possessing one bank of a navigable river, but whose territory does not extend quite to the ocean, should have a right to the free navigation of that river, especially if she possesses both of the banks, but not the mouth. It is true, much may be said for and against this principle, and a Congress of Nations is the place in which to say it.

8. The right of discovery and colonization has never yet been settled. A want of a proper understanding of this subject has been the cause of many wars.

9. In a Congress of Nations, measures could be agreed upon for the reduction of the vast military and

naval establishments of Christendom, which are such an intolerable burden on the community, consuming seven-eighths of the income of nations. One nation keeps up these immense establishments because another does. If nations would agree to reduce their establishments, it could be done with safety and advantage. If the number of ships could not be restrained, the size might be, and no nation be allowed to have a ship of war above a certain size, or to carry more than a certain weight of metal.

10. This Congress would be the proper place to agree on the general restoration of all military trophies and captured standards. The retention of these trophies, and the vain-glorious display of them in temples dedicated to the Prince of peace, is no less an insult to common sense, than it is an impious desecration of these solemn temples. It is a relic of heathenism, which ought, long ago, to have been abandoned by all nations bearing the Christian name. To restore these trophies to the nations from which they were captured, would be no less wise than magnanimous. But it would be best of all, if some place were selected, near the location of the Congress of Nations, where all the captured standards and other trophies of war,—except works of art, which should be restored to their former owners,—should be piled together in one vast heap, and consumed. It would be a burnt-offering worthy of the cause of peace. The metallic parts, having passed the ordeal of the fire, might be coined into medallions, with suitable devices and inscriptions, and circulated through the world. Something of this kind was done at Madrid, July 1, 1823.

"Agreeably to arrangements made, fifty non-commissioned officers and veterans of the French army, each carrying one of the Spanish standards, which, during the late wars, had been taken by the French, repaired to the palace of the Regency, and restored those trophies to the Saloons of the Columns. The ceremony was conducted with great pomp."* For the same reasons, the names of bridges, palaces, &c., which have been named from some great victory, should be changed; and triumphal arches and other monuments of war should be demolished, and the materials taken to erect hospitals, colleges, and churches. This appears to the present age Utopian; but it is no more Utopian than a millenium, when men will beat their swords into ploughshares and their spears into pruning-hooks. Centuries may roll away before this grand consummation, so devoutly to be wished, will take place, but it will be done.

11. There are many other subjects, of a pacific and civil nature, which might be discussed in a Congress of Nations, and settled, if advisable, or put in a train of settlement. These may come up, from time to time, as the world advances in Christianity and civilization. The Congress might continue to sit, for the settlement of these questions, so far as practicable; but at any time of its session, it might take up the great subject of a COURT OF NATIONS, and take measures for its organization. This is the subject of the next chapter.

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* Boston Centinel, of Sept. 8, 1823.

CHAPTER VII.

A COURT OF NATIONS FOR THE PEACEFUL ADJUDICATION OF THOSE CASES OF INTERNATIONAL DIFFICULTY WHICH SHOULD BE REFERRED TO IT, BY THE MUTUAL CONSENT OF TWO OR MORE NATIONS.

1. Organization—2. Appointment of members—3. A majority to decide disputes—4. Rules of the Court—5. Cases of disputed boundary—6. To act as a mediator—7. May judge cases of right of succession, if called on by both parties—8. Suggest laws to the Congress—9. Other things to be done by them.

1. It is proposed to organize a Court of Nations, composed of as many members as the Congress of Nations shall previously agree upon, say two from each of the powers represented at the Congress. The power of the court to be merely advisory. It is to act as a high court of admiralty, but without its enforcing powers. There is to be no sheriff, or posse, to enforce its commands. It is to take cognizance only of such cases as shall be referred to it, by the free and mutual consent of both parties concerned, like a chamber of commerce; and is to have no more power to enforce its decisions than an ecclesiastical court in this country.

2. The members of this court are to be appointed by the governments represented in the Congress of

Nations, and shall hold their places according to the tenure previously agreed on in the Congress — probably during good behaviour. Whether they should be paid by the governments sending them, or by the nations represented in the Congress conjointly, according to the ratio of their population or wealth, may be agreed on in the Congress. The court should organize itself by choosing a president and vice-presidents from among themselves, and appoint the necessary clerks, secretaries, reporters, &c.; and they should hear counsel on both sides of the questions to be judged. They might meet once a year for the transaction of business, and adjourn to such time and place as they should think proper. Their meeting should never be in a country which had a case on trial. These persons should enjoy the same privileges and immunities as ambassadors.

3. Their verdicts, like the verdicts of other great courts, should be decided by a majority, and need not be, like the decrees of the Congress, unanimous. The majority should appoint one of their number to make out their verdict, giving a statement of facts from the testimony presented to the court, and the reasoning on those facts by which they come to a conclusion.

4. All cases submitted to the court should be judged by the true interpretation of existing treaties, and by the laws enacted by the Congress and ratified by the nations represented; and where these treaties and laws fail of establishing the point at issue, they

should judge the cause by the principles of equity and justice.

5. In cases of disputed boundary, the court should have the power to send surveyors appointed by themselves, but at the expense of the parties, to survey the boundaries, collect facts on the spot, and report to the court. Had there been such a court, the boundary line between Maine and New Brunswick would, long ago, have been equitably settled, to the satisfaction of both parties. Some of the ex-governors of Maine have expressed to me that opinion. The Supreme Court of the United States, very soon, settled a similar difficulty between Massachusetts and Rhode Island.

6. This court should not only decide on all cases brought before it by any two or more independent, contending nations, but they should be authorized to offer their mediation where war actually exists, or in any difficulty arising between any two or more nations which would endanger the peace of the world. Indeed, they should act as conservators of the peace of Christendom, and watch over the welfare of mankind, either of the nations of the confederacy, or the world at large. Often nations go to war on a point of honor; and having begun to threaten, think they cannot recede without disgrace; at the same time, they would be glad to catch at such an excuse for moderation; and often, when nations are nearly exhausted by a protracted war, they would be glad to make peace, but they fear to make the first advances, lest it should be imputed to weakness; and

they would joyfully embrace a mediator. In cases where ambassadors would neither be sent nor accepted, the members of this court might go, as heralds of peace. How much better it would have been for the honor and interest of France, if she had submitted her late disputes with Mexico, Buenos Ayres and queen Pomare, to such a court, rather than be at so great an expense to force an unwilling confession, which will rankle in the hearts of those who have been forced to it, for a whole generation.

7. If the court should be applied to, to settle any internal dispute between any two contending factions, such as the right of succession to the throne, it would be their duty to hear the parties, and give their opinion according to the laws and usages of the country asking their advice; but they should never officiously offer an exparte verdict, though they might propose terms of reconciliation. It is probable, that, had such a court existed, the troubles in Spain and Portugal would have been of short duration.

8. It should be the duty of a Court of Nations, from time to time, to suggest topics for the consideration of the Congress, as new or unsettled principles, favorable to the peace and welfare of nations, would present themselves to the court, in the adjudication of cases. They would be the more able to do this, from their being more than all other men conversant with such subjects, and their intimations would be well received by the Congress, who should in all their acts, study the good of mankind and the

interests of humanity; so that in doubtful cases philanthropy should be thrown into the scale.

9. There are many other cases beside those abovementioned, in which such a court would either prevent war or end it. A nation would not be justified, in the opinion of the world, in going to war, when there was an able and impartial umpire to judge its case; and many a dispute would be quashed at the outset, if it were known that the world would require an impartial investigation of it by able judges.

CHAPTER VIII.

HISTORICAL NOTICES OF PAST ATTEMPTS AT SOMETHING LIKE A CONGRESS AND COURT OF NATIONS.

1. Plans in some things resembling this very ancient—2. Amphictyonic Council—3. Achæan League—4. Lycian Confederacy—5. League of the Hanse towns—7. Great scheme of Henry IV—8. Holy Alliance—9–22. Congress of Panama—23. Inferences to be deduced from it—24. Remarks on the foregoing—25. Some of their features retained—26. Number of delegates.

1. From the history of the earliest ages, it appears that mankind have been desirous of something like the proposed plan of a Congress and Court of Nations, especially in communities of small independent states, where from the contiguity of the parties, such a plan was more easy to be carried into effect, and was more necessary for their safety and happiness. In most of these confederations, protection from external violence was as much an object as internal peace. There were, therefore, many features in ancient councils, diets, and congresses, which do not at all enter into *our* plan, and which sooner or later paved the way for the ruin of *theirs*. Nevertheless, while they did continue, they were a great blessing to the parties concerned. We, by no means, propose them as models for our plan, but adduce them, only to show that, if so great an advance towards the perfection of civil society could be made in times of

ignorance, superstition and barbarity, much more is to be expected from a somewhat similar plan, in this age of reason, philanthropy, and Christianity. After reviewing these plans, I shall attempt to show wherein they differed from that which we propose, and also what parts of them are to be retained in our plan, and what rejected from it.

2. The Council of the Amphictyons consisted originally of twelve states or cities, and finally extended to thirty-one. It was established in the year 1497, B. C. Rollin says, "It was, in a manner, the holding of a general assembly of the states of Greece. Its establishment is attributed to Amphictyon, king of Athens, who gave it his name. His principal view was to unite, in the sacred bond of amity, the several states of Greece admitted into it, and oblige them, by that union, to undertake the defence of each other, and *be mutually vigilant for the happiness and tranquillity of their country.* It was held at Thermopylæ and sometimes at Delphos, and regularly assembled in the spring and fall, and oftener if occasion required. Each city sent two deputies, and consequently had two votes in the council, and that without distinction, or the more powerful having any prerogative of honor or preeminence over inferior states in regard to the suffrages — the liberty, on which these people valued themselves, requiring that every thing should be equal among them. *They had full power to discuss all differences which might arise between the Amphictyonic cities.*" Rees, in his Cyclopædia says, "*They decided all public differences and disputes between any of the*

cities of Greece, and their determinations were received with the greatest veneration, and were ever held sacred and inviolable. Had its members been actuated by a spirit of peace, of justice and of good order, it would have rendered it for ever respectable." But Philip, king of Macedon, by his intrigues, gained an ascendency in this famous council, and was the means of reducing it to a mere shadow. Nevertheless it continued until after the reign of Augustus Cæsar, or for fifteen centuries, and gradually expired.

3. Of the Achæan League, Rees says, "Strangers to the desire of conquest, and having little connection with corrupt nations, they never employed falsehood, even against their enemies. Although each city was independent of the others, yet they formed one body and one state. So great was their character for justice and probity, that the Greek cities of Italy referred their disputes to their arbitration. The Lacedemonians and Thebans referred to them an interesting matter of dissension between them. Having long retained their liberty, they ceased not to assemble when the necessity of public deliberation required it, and even when the rest of Greece was threatened with war and pestilence." Polybius observes, "The Achæans so far gained the esteem and confidence of all the Europeans, that their name became common to all that country." The Achæan League, however, at length fell into discord, and became, in consequence, like the Amphictyons, subject to the Lacedemonians. But 280 years before Christ the league was renewed, and continued 134 years longer.

4. The Lycian Confederacy consisted of twenty-three cities, in which a monarchical form of government prevailed. In the general council, the large cities had three votes, the smaller two. They had once been addicted to piracy; but Rees says, "The Lycians are highly commended by the ancients for their sobriety and manner of administering justice."

5. The league of the Hanse towns commenced in the 12th century, and was confirmed and established in the year 1234. An extraordinary general assembly was held every ten years, in which they solemnly renewed their league, admitted new members and expelled old ones, if they proved refractory. This confederation first commenced by a league between the cities of Lubeck and Hamburgh, and afterward consisted of twelve towns situated near the Baltic. They first formed a *system of international laws, enacted in their general assemblies.* The league afterward extended to between seventy and eighty towns and cities. In the year 1730, the regular number was sixty-three, besides which there were forty-four towns that were considered as allies. While they kept at peace with the surrounding nations, they flourished beyond all precedent, but having become rich and powerful, they equipped fleets and raised armies; and about the year 1346, they waged a successful war against Waldemar III, king of Denmark; and again against the same power in 1428. By this means, they drew on them the jealousy of other powers, and the league was gradually reduced; so that the present Hanseatic League consists only of the three cities, Lubeck, Ham-

burgh, and Bremen; and in the definitive treaty of 1803, they were acknowledged as Hanseatic cities, with a guaranty of their jurisprudence and perpetual neutrality.

6. The foundation of the confederation of the states of Switzerland, commonly called the Helvetic Union, was laid in 1308. Rees says, "The code of public law between the combined republics of Switzerland is founded on the treaty of Sempatch in 1393, upon the convention of Stantz, and the treaty of peace in 1712, at Arau, between the Protestant and Catholic cantons. From these several treaties it appears, that the Helvetic Union is a perpetual defensive alliance between independent powers, to protect each other by their united force against all foreign enemies. Another essential object of the league is, to *preserve general peace and good order;* for which purpose it is covenanted, that *all public dissensions shall finally be settled between the contending parties in an amicable manner; and with this view particular judges and arbitrators are appointed, who shall be empowered to compose the dissensions which may happen to arise.* To this is added a reciprocal guaranty of the forms of government established in the respective commonwealths. No separate engagement, which any of the cantons may conclude, can be valid if it be inconsistent with the fundamental articles of this general union. With these exceptions, the combined states are independent of each other. They may form alliances with any power, or may reject the same, though all the others have acceded to it—may grant auxiliary troops

to foreign princes — may prohibit the money of the other cantons from being current within their own territories — may impose taxes, and, in short, perform every other act of absolute sovereignty. The public affairs of the Helvetic body are discussed and determined in their several diets." "The ordinary meeting of the *general* diet is in January, annually, and continues sitting one month. The extraordinary assemblies are summoned upon particular occasions." "Each canton sends as many deputies as it thinks proper." "The whole republic is composed of thirteen cantons, thirteen incorporated territories and twenty-one independent lordships." "Every town and state has its own particular constitution for the management of its churches, academies, schools and other ecclesiastical affairs; but *all live in mutual amity, without invading the rights and privileges of one another.*" J. Mallet Du Pan, who seems to have been an inhabitant of Switzerland, and probably a native, in his "History of the Destruction of the Helvetic Union," published in London, in 1798, says of the Helvetic Confederacy, "Those states, united for their common preservation, consisted of twenty republics, forming one republic, and, notwithstanding the defect of a collective body without sovereignty, experience promised it duration; for *the imperfection of its federal union was counterbalanced by great advantages.* If it enfeebled subordination in those aggregate communities, it also left them with independence, the invaluable privilege of obeying their own laws and of being governed by their immediate fellow-citizens."

"The relations and duties of this defensive league were settled by simple agreement, and their sanction was ratified by time and self-interest. No treacherous idea of an *independent* republic ever entered the minds of these sensible people. Nature and fortune had made them unequal in territory, in political liberty, manners, and origin; they respected nature and the work of ages." A writer in the Christian Spectator of 1832, says, "No diversities of character and state are greater than those which exist in this confederation. It comprises people of three distinct nations, speaking three of the prominent languages of Europe, — the German in the east, the French in the west, and the Italian in the south-east. They are divided into twenty-two independent states, each of which has a dress and manners, in some degree, peculiar to itself, and a dialect often scarcely intelligent to those around it. The forms of government vary, from the purest democracy, in which every male of the canton above the age of seventeen is a member of the body which makes the laws, to the most rigorous aristocracy, in which the offices are confined almost entirely to the families of patricians. The nature of the confederation is not such as to impress a uniform character on elements so discordant. Their *diet is a mere convention of ambassadors, who only treat with each other according to the strict tenor of their instructions*, and who cannot vote for a law without first obtaining the consent of the government which sends them." It is difficult, but not important, to reconcile the discrepances of these

writers, with respect to the number of the members of this Union. Perhaps the number has been different at different times. Some members may have been excluded, or withdrawn, and others added. All these writers agree, however, in the main features of the Union; and show that it consisted of numbers of *independent* states, differing from one another in language, religion, laws, forms of government, manners and customs, united together, not only for the purpose of resisting foreign aggression, but for the purpose of maintaining peace with one another, by an equitable and amicable settlement of all disputes arising between any two or more members of the Union, which has continued for more than 500 years to be a blessing to the framers of it and their posterity. It is true the whirlwind of the French revolution, which prostrated every thing else within its vortex, nearly upset this gallant bark also, so that many, with J. Mallet Du Pan, thought her destroyed. But the storm passed over, and she righted again, by the weight of her own ballast, and she now keeps on the peaceful tenor of her way, the admiration of the world and a beautiful monument of human wisdom. I have dwelt the longer on the Helvetic Union, because I consider the civil part of this institution — the diet and the court of judges or arbitrators — as the nearest working model of our proposed Congress and Court of Nations which ever existed. True, it is imperfect, like all other human devices, and wants that correction, which the increased knowledge and wisdom of the present times can give it.

No good reason can be given why a plan, which has worked so well on a small scale, may not be extended, so as to embrace all Christian and civilized nations.

7. The Great Scheme of Henry IV, of France, begun in 1601, here requires a passing notice. The real object of Henry is uncertain,—possibly it was defence against the encroachments of Mahometan nations on Christendom,—probably the humbling of the house of Austria. Whatever were his motives, he imagined the great project of uniting all the nations of Europe in one grand confederated republic of fifteen members—six hereditary monarchies, five elective monarchies, and four republics. He gained the consent of Holland, Hesse Cassel, Anhalt, Hungary, Bohemia, Lower Austria, several provinces and towns in Germany, the Swiss cantons, and queen Elizabeth of England. The limits of this dissertation do not allow me to go further into the details of a plan, which, in the moral state of the world when it was proposed, never could have been accomplished; and if it had been, the condition of mankind, probably, would not have been immediately much ameliorated; for they might have lost as much in liberty as they would have gained in a peace compelled by the power of the sword and great standing armies, always dangerous to liberty and the favorite instrument of tyrants. The assassin Ravaillac put an end, at once, to the Great Scheme and the life of the great Henry, in 1610, and nothing remains of the Scheme, but its record in history. All that the friends of peace would make of the Great Scheme is, to show that, if so many

nations could be induced to embrace a plan so complicated, cumbersome, and expensive; we have abundant reason to believe, that a plan so simple, easy, and cheap as that which we propose, would at once be adopted by Christian nations, if once proposed by some leading power.

8. The Holy Alliance is the next thing of the kind which claims our attention. An extraordinary instrument, of three short articles, dated at Paris, September, 1815, was signed and sealed by Francis, emperor of Austria, Frederic William, king of Prussia, and Alexander, emperor of Russia. The three articles barely state, for substance, that the high contracting parties solemnly pledge themselves to behave like brethren in their future intercourse with one another, to assist each other, and to be fathers to their subjects. They acknowledge God as the only rightful sovereign, and that the world "has in reality no other sovereign than Him." They commend the principles of the Christian religion to their subjects; and they offer to receive other nations professing like principles into their alliance. The emperor Alexander issued a manifesto, on the Christmas following, in which he ordered the articles of the Alliance to be read in all the churches in Russia. In that manifesto, he promised to adopt "the principle derived from the words and religion of our Lord and Saviour Jesus Christ, who teaches mankind to live as brethren, not in hatred and strife, but in peace and love." It does not appear, that any other of the nations, except the abovementioned, have joined the Holy Alliance, though the kings of Eng-

land and France sent ministers to them, not, however, as sovereigns, but as individuals. It was said, that there was a constitutional objection to Great Britain's joining the Alliance, as mentioned in the succeeding note. It has been looked on with jealousy by the free people of other countries, as a conspiracy of kings against the liberty of their subjects; but I have no doubt that Alexander, who was the father and chief promoter of the enterprise, meant better things. His premature death, together with this jealousy, was probably the cause why the Holy Alliance came to nothing.* From what has appeared in some English periodicals, it is probable, that the plan of the Holy Alliance was first suggested to Alexander, when he was in London, by an English lady.

9. The Congress of Panama is the last thing of

* The following extract of a letter from ex-president Adams to the author, shows his opinion of the Holy Alliance:

"The Holy Alliance itself was a tribute from the mightiest men of the European world to the purity of your principles and the practicability of your system for the general preservation of peace. The poisonous ingredient in that league was the *unlimited* sovereignty of the parties to it. The league was *autocratic*, and so peculiar was this feature in its composition, that the prince regent of Great Britain, when invited to become a party to it, because the constitution of that country did not recognize treaties as national, under the personal signature of the monarch, [declined.] The professed principles of the Holy Alliance were the perpetual preservation of peace, and the sovereigns who signed the treaty, declared that they considered the Christian principles of benevolence, mutual forbearance and charity, as obligatory upon them as *sovereigns* equally as upon individuals. But they bound themselves to support each other against all wrong-doers (they themselves to be the judges of the wrong), not only of foreigners, but of their own subjects."

the kind of which I propose to give an account, and, as it is an event of great importance to us, as an attempt at something more like the very plan which has always been the object of the friends of peace than any of the preceding; and as it is but little known or understood, either in America or Europe, I shall depart from the plan hitherto pursued in this chapter, of devoting but one section to each of the past attempts at an approximation to a Congress of Nations. I spent a part of last winter (1838–9) at Washington, principally in order to collect facts and documents on this and other subjects interesting to the cause of peace. All the documents of the House of Representatives were politely laid open to me, and I was much assisted by the urbanity and intelligence of the gentleman who has the charge of them. The following extracts were made from those documents.

10. President Adams, in his message to both Houses of Congress, dated December 6, 1825, thus notices the Congress of Panama and the South American states: "Among the measures which have been suggested to them, by the new relations to one another, resulting from the recent changes in their condition, is that of assembling, at the isthmus of Panama, a congress, at which each of them shall be represented, to deliberate on objects important to the welfare of them all. The republics of Colombia, of Mexico, and of Central America have already deputed plenipotentiaries to such a meeting, and they have invited the United States to be also represented there by their ministers. The invitation has been accepted,

and ministers on the part of the United States will be commissioned to attend at those deliberations, and to take part in them, so far as can be compatible with that neutrality, from which it is neither the intention, nor the desire, of the other American states that we should depart."

11. On March 7, 1826, President Adams sent a special message to the House of Representatives, in answer to their requirement, from which the following facts and observations are obtained. It appears that before instructions had been given to our ministers to Panama, treaties had been entered into by the republics of South America. In this message, Mr. Adams observes, "In the intercourse between nations, temper is a minister, perhaps more powerful than talent. Nothing was ever lost by kind treatment. Nothing can be gained by sullen repulses and aspiring pretensions." "Objects of the highest importance, not only to the future welfare of the whole human race, but bearing directly on the special interests of this Union, will engage the deliberations of the Congress of Panama, whether we are represented there or not. Others, if we are represented, may be offered by our plenipotentiaries for consideration, having in view both these great results—our own interests and the improvement of the condition of man upon earth. It may be that, in the lapse of many centuries, no other opportunity so favorable will be presented to the government of the United States, to subserve the benevolent purposes of Divine Providence, to dispense the promised blessings of the Redeemer of mankind,

to promote the prevalence, in future ages, of peace on earth and good-will to man, as will now be placed in their power by participating in the deliberations of this congress."

12. The President further adds, "It will be in the recollection of the House that, immediately after the war of our independence, a measure, closely analogous to this Congress of Panama, was adopted by the Congress of our confederation, and for purposes of precisely the same character. Three commissioners, with plenipotentiary powers, were appointed, to negotiate treaties of amity, navigation, and commerce with all the principal powers of Europe. They met and resided about one year, for that purpose, at Paris; and the result of their negotiations, at that time, was the first treaty between the United States and Prussia —remarkable in the diplomatic annals of the world, and precious as a monument of the principles in relation to commerce and maritime warfare, with which our country entered into her career as a member of the great family of independent nations. This treaty, prepared in conformity with the instructions of the American plenipotentiaries, consecrated three fundamental principles of foreign intercourse, which the Congress of that period were desirous of establishing. First, equal reciprocity and the mutual stipulation of the privileges of the most favored nation in the commercial exchanges of peace; secondly, *the abolition of private war on the ocean;* and, thirdly, *restrictions favorable to neutral commerce upon belligerent practices with regard to contraband of war and blockades.*" "They were

able to obtain from one great and philosophical, though absolute, sovereign of Europe [Frederick III, of Prussia] an assent to their liberal and enlightened principles."

13. Speaking of the republics of South America, the President adds, "The only causes of dissension between us and them which ever have arisen, originated in those never-failing fountains of discord and irritation, discriminations of commercial favor to other countries, *licentious privateers, and paper blockades.*" He further adds, "If it be true, that the noblest treaty of peace ever mentioned in history, is that by which the Carthaginians were bound to abolish the practice of sacrificing their own children *because it was stipulated in favor of human nature*, I cannot exaggerate to myself the unfading glory, with which these United States will go forth in the memory of future ages, if by their friendly counsel, by their moral influence, by the power of argument and persuasion alone, they can prevail upon the American nations at Panama to stipulate by general agreement among themselves, and so far as any of them may be concerned, the perpetual abolition of private war upon the ocean. And if we cannot yet flatter ourselves, that this can be accomplished, as advances toward it, the establishment of the principle, that *the friendly flag shall cover the cargo, the curtailment of the contraband of war, and the proscription of fictitious paper blockades ;* engagements, which we may reasonably hope will not prove impracticable, will, if successfully inculcated, redound proportionably to our honor, and drain the fountain

of many a future, sanguinary war." The President closed his message with the following remarks: "That the Congress of Panama will accomplish all, or even any of the transcendent benefits to the human race which warmed the conception of its first purpose, it is perhaps indulging too sanguine a forecast of events to promise. It is in its nature speculative and experimental. The blessings of heaven may turn it to the account of human improvement. Accidents unforeseen and mischances not to be anticipated may baffle all its high purposes and disappoint its fairest expectations. But the design is great. It looks to the amelioration of the condition of man."

14. Accompanying this message was a communication from Henry Clay, Secretary of State, giving an account of the first intimation, which was made to him, of the proposed Congress of Panama, which intimation was made during the preceding spring, in a conversation with the ministers of Colombia and Mexico on the same day. Don Jose Maria Salazar, minister from Colombia, wrote a letter to Mr. Clay, under date of November 2, 1825, in which he reminds him of a previous conversation on the subject of the proposed Congress, and Mr. Clay's intimation that, if the United States were formally invited, they would send a delegate to it. This letter is intended to be the formal invitation, at the same time informing Mr. Clay that the "minister from Mexico will present the same on the part of his government; and that the minister from Guatemala has just received similar instructions from his government." Don Pablo Obregen, the minister from

Mexico, afterwards extended a similar formal invitation, in which he states, that the Congress was to assemble at Panama, and that "representatives from Colombia, Peru, Guatemala, and Mexico will have arrived at the date of this letter," (Nov. 3, 1825.) Don Antonio Jose Cañar, minister from the government of Central America, in a letter to Mr. Clay, of near the same date, joins in the invitation, and states, that his government had formed a convention with Colombia on the 19th of March preceding, providing for this object.

15. On the abovementioned message of the President, it seems Mr. Crowninshield, of the committee of Foreign Affairs, offered a report, dated March 26, 1826, of which the following are some of the features. 1st. The report replies to the objection that the proposed Congress is unconstitutional, and plainly shows its constitutionality. 2d. It replies to the objection, "that all its objects could be attained by separate negotiation with the several states," and thus answers that objection. "It is questionable whether separate and disconnected negotiations between states, geographically so remote and in various respects politically different from each other, *could* be brought to the same harmonious and systematic result as a discussion in an assembly of diplomatic agents, promptly communicating with each other information, counsel, and argument." Another objection answered is, that of an "entangling alliance." It was shown, that there is no more danger in an alliance with all the nations together, than in an

alliance with each separately, especially when it is understood, that no act of our ministers at the Congress would be binding, until ratified by our government. Another objection answered in the report is, that the proposed Congress is unprecedented. But there have been many congresses of a like nature in Europe, and if this objection ever had any force, it is now void. The adoption of the federal constitution of the United States was equally unprecedented.

16. It would be very interesting, to insert the whole of this very able report. Almost all the arguments, used to support the policy of sending representatives to the Congress of Panama, would apply to the case of a Congress of Nations; while some objections which appeared specious, when urged against the Congress of Panama, are of no force when urged against a general Congress of Nations. While this report was under consideration in the House, several resolutions, hostile to it, were introduced, but their aim seemed to be chiefly directed against any *political* connection; but to a representative in a *diplomatic* character, there seemed to be no forcible objection.

17. Brevity compels me barely to notice a few facts and dates of importance, like the following. The emperor of Brazil appointed a plenipotentiary to attend the Congress of Panama, by a decree dated January 25, 1826. On March 26, 1826, President Adams submitted to the consideration of Congress the propriety of making the appropriation necessary to carry into effect the Congress of Panama. The commissions of the ministers from the United States

to the Congress of Panama, are dated March 14, 1826. Mr. Anderson, one of our ministers left Bogota, to repair to Panama, June 12, 1826. Mr. Sargeant, our other minister, commenced his legation on the 24th of October of the same year. The Congress of Panama was organized 22d of June, 1826. The session was a short one, on account of the sickliness of the climate of Panama, most of the delegates being affected with it; and it was adjourned to meet at Tacubaya, near the city of Mexico, July 15th, of the following year. An agent was sent by the governments of Great Britain, of France, and of the Netherlands, but it does not appear that either arrived in time to be present at the first congress. Neither of the envoys from the United States arrived in time for the first session. The only members represented were Peru, Mexico, Central America, and Colombia. Plenipotentiaries were expected from Chili, but there was not time for their appointment and arrival.

18. One of the subjects to be discussed at Panama was, the right of a civilized nation so to occupy uncivilized countries, by colonies, as to exclude others. One object of our sending commissioners to Panama was to secure to our citizens their religious rights in the various countries of South America. A similar subject might, perhaps, engage the attention of a Congress of Nations. The Colombian minister at Washington, in one of his communications to our government, says, "At Panama, the best and most opportune occasion is offered to the United States, to *fix some principles of international law, the unsettled*

state of which has done much evil to humanity." Another thing proposed by him was a treaty offensive and defensive against the aggressions of Spain. This, after all, perhaps was the chief object of the South American republics for calling the Congress; but this, of course, the United States would have nothing to do with, having always adopted a neutral policy. The rights of neutrals, the suppression of the African slave trade, and the independence of Hayti, were among the other objects proposed, perhaps for a lure, to our government.

19. As no delegates had arrived from any foreign nation, in time to take part in the deliberations of the first session of the Congress, none of those things of general interest to the civilized world at large were agitated, but they only busied themselves with South American concerns, perhaps from a conviction, that it would be useless to discuss topics of general interest, in so small a Congress. The business done was, "1st. A treaty of union, league, and perpetual confederation, between the four American states represented at the Congress, to which the other powers of America might accede within a year. 2d. A convention for the renewal of the great assembly annually in time of war, and tri-annually in time of peace. 3d. A convention which fixes the contingent which each confederate should contribute for the common defence. 4th. An arrangement concerning the employment and direction of those contingents. 5th. Divers declarations, that the treaties which Colombia had formerly concluded with the United

Mexican States, Central America, and Peru, should be included in those treaties with certain reservations."

20. This is all that was done at the Congress of Panama, and probably none of it would have been done in that Congress, had the delegates appointed by the other powers arrived in time to take a part in the discussions. But these delegates from the South American states, finding themselves alone, did not venture on the discussion of those topics which were proposed by those states when they invited other powers to join them in a Congress of Nations; and they acted only on those which were peculiarly interesting to themselves, and which would not have been thought proper subjects of discussion in a congress of delegates from the principal powers of Christendom. What were some of the principal objects aimed at by the Congress of Panama may be learned from the introductory or, probably, inaugural speech of the minister from Peru—for which see Appendix, No. 1.

21. In a conversation which I held with Mr. Sargeant, at Washington, January 29, 1839, I learned, that he went to Tacubaya, at the time appointed, and found there but two or three delegates,—whether Mr. Anderson was one of them I do not know, or whether he attended *any* meeting of the Congress, —but no congress was organized at Tacubaya, and there the thing ended. I did not find Mr. Sargeant very communicative—perhaps on account of ill health and a pressing engagement on his hands, which

required his immediate attention. I had no opportunity to call on him afterward. Diligent search was made, among the congressional documents, for a report from the delegation to Panama, but it was not found. I have since written to Mr. Sargeant for a copy of such a report, but have received no answer. Probably such a report was never made.

22. The causes of the failure of the Congress of Panama, and the reasons why it did not become a Congress of Nations, deserve a passing notice. 1st. The South Americans were not *the people* to commence such a congress—just emerged as they were from a state of semi-barbarism and slavery, they knew little, or nothing, of the principles of international law—and, besides this, they were more intent on securing their own independence from Spain, than establishing a system of pacific relations with all other nations. They were, themselves, at war at the time, and could attend to nothing but war. The government, that invites a Congress of Nations, must be in perfect peace and harmony with all other governments. 2d. Panama was not the *place* for such a congress, far removed as it was from intercourse with the rest of the world, and very sickly. Could the Congress have been held together until our ambassadors and the delegates from other enlightened states could have met with them, something might, nevertheless, have been done; but, interrupted by an endemical sickness, they scattered, never again to be united. Had President Adams, when invited to attend to this subject, only requested, that the proposed congress should be held

at Washington or Philadelphia, the South American ministers could not have objected, many more delegates would have been sent by the powers of Europe, a Congress of Nations would have commenced, and a new and happy era would have dawned on the world. 3d. The *character of Bolivar*, under whose auspices the congress was called, was another obstacle to its success. More intent on extending his own power than on preserving peace, he found that the congress would be an obstacle to his ambitious designs, and he therefore withdrew his countenance from it. I am confirmed in this opinion, by a letter from ex-president Adams to me, dated September 14, 1838, of which the following is an extract: "The proposition [for a congress of the South American nations] originated, I believe, with the late Doctor William Thornton, of Washington; who addressed a memoir, recommending a congress of the American republics, to a distinguished citizen of Venezuela, through whom it was communicated to Bolivar, the Napoleon of this hemisphere. Bolivar had no more honest regard for peace or human liberty than had his prototype in Europe, but he had liberated, conquered, and constituted the republic of Colombia—he was pursuing his conquests into Peru, and constituting another mock republic there, and was wearing himself out in projects of investing his brow with an imperial crown, sparkling before his eyes, like the dagger before the vision of Macbeth. Bolivar thought that a Congress of Nations at Panama might serve to promote some of his own ambitious purposes,

and he made the proposition. The other emancipated colonies, however, and especially the Mexicans, were jealous of his designs, and had counter projects of their own."

23. The inference to be deduced from this abortive attempt at a Congress of Nations is, that the governments of Christendom are willing to send delegates to any such Congress, whenever it shall be called *by a respectable state*, well established in its own government, if called in a time of peace, to meet at a proper place. That this attempt at a Congress of Nations, or even a dozen more, should prove abortive on account of defects in their machinery or materials, ought not to discourage us, any more than the dozen incipient attempts at a steam-boat, which proved abortive for similar reasons, should have discouraged Fulton. Every failure throws new light on this subject, which is founded in the principles of truth and equity. Some monarch, president, or statesman—some moral Fulton, as great in ethics as he was in physics, will yet arise, and complete this great moral machine, so as to make it practically useful, but improvable by coming generations. Before the fame of such a man, your Cæsars, Alexanders, and Napoleons will hide their diminished heads, as the twinkling stars of night fade away before the glory of the full-orbed king of day. It is remarkable that the first intimation of the last two abortive attempts at a Congress of Nations,—abortive because deficient in constitution and materials,—should have been suggested by a private individual.

24. My *remarks on the past attempts at something like a Congress and Court of Nations*, mentioned in this chapter, must be few. It is obvious to the reader of history, that I have selected but few out of the great number of these attempts, both in ancient and modern times; but I have taken those with which the general reader is best acquainted, except the congress of Panama, which is comparatively recent and unknown, and in which our country was much interested; and, therefore, it required a more extended development. It is equally obvious, that from the earliest ages, mankind have been desirous of something like the proposed Congress and Court of Nations, especially in communities of small independent states, when, from the contiguity of the parties, such a plan was the more easy to be carried into effect, and more necessary to their safety, peace and happiness. Many of these attempts were eminently successful; and though they partook of the instability of all sublunary things; while they did continue, they were a great blessing to the parties concerned, and often to surrounding nations.

25. There are some features in these past attempts, which would be retained by us, as essential to our plan; and some as decidedly rejected. We should adopt the pacific part of their plans, which was to secure peace and equity among themselves, though it was but a secondary consideration to them, as necessary to their existence as a confederation. With us, this pacific principle is the chief motive. The other has no weight at all. Ought we not to suppose, that

in this enlightened age of the world, this chief motive would be sufficient to induce Christian nations to make the safe and cheap attempt, when the good to be obtained by success is commensurate only with the extent and duration of the world? Is it too much to hope that, in this age of reason and philanthropy, the preservation of peace, equity, and justice, and the avoidance of all the sins and horrors of war may be a sufficient motive to induce Christian nations to try the experiment recommended in these Essays? Our plan would not essentially change the existing relations of nations towards each other with respect to peace and war, by any *direct* influence on the subject. It is only a general treaty entered into, by all the nations with each, and by each nation with all, that henceforth they will endeavor to settle their controversies with one another by the law of reason, as becomes rational creatures, and not by the law of violence which becomes only brutes; and that if war be necessary in the nature of things, and men will fight, they shall mutually, and jointly, and severally agree, that they will abandon some of the most barbarous features of war, and protect the peaceful; and that they will seek those things which make for the peace and happiness of mankind at large. Therefore our plan has nothing to do with physical force and leagues offensive and defensive, which at the commencement of the above-mentioned councils, leagues, diets, alliances, and congresses, sowed the seeds of their dissolution; but our plan depends entirely on the influence of moral power for the good it will do to the world, but it retains the

expectation of settling the principles of international law, by compact and agreement, in a general treaty, to which the nations of Christendom will be parties; and it also retains the principle and practice of peaceful mediation between contending factions or nations, and the promotion of every plan for bettering the moral, intellectual, and physical condition of man.

26. In the foregoing plans, the number of delegates from each of the allied nations has been different at different unions. The best way, I think, is to allow of as many delegates to the Congress of Nations as any government would choose to send, but each delegation to be considered as a separate college, entitled to but one vote, and to but one turn to speak in the discussions, so as to be considered as but one person, and if any college should be equally divided on any question, of course their vote would be neutralized. To avoid this difficulty, the number in each college might be an odd one.

CHAPTER IX.

SOME ACCOUNT OF ATTEMPTS WHICH HAVE BEEN MADE BY PRIVATE INDIVIDUALS AND PEACE SOCIETIES TO CALL THE ATTENTION OF THE PUBLIC TO THE SUBJECT OF A CONGRESS OF NATIONS.

1. William Penn's Essay—2. Essay of St. Pierre—3. Monthly Magazine—4. London Peace Society—5. Massachusetts Peace Society—6. American Peace Society—7. Premiums offered—8. First movements in Massachusetts—9. First petition to the Legislature of Massachusetts—10. Second petition to the same—11. Petitions to Congress—12. Action on them—13. Remarks on Mr. Legare's report—14. Further petitions to Congress—15. Action in Switzerland.

1. William Penn in 1693 published an "Essay on the present and future peace of Europe," in which he urged the plan of a general congress for the settlement of international disputes, and referring to the "great design" of Henry IV, he says: "His example tells us that *this is fit to be done.* Sir William Temple's history of the United Provinces shows, by a surpassing instance, that *it may be done*, and Europe, by her incomparable miseries, that *it ought to be done.*"* I have read the Essay. It is chiefly remarkable for having been the first thing of the kind in modern times.

2. Charles Castel Irene de Saint Pierre, who died in the year 1743, and who must be distinguished

* Herald of Peace.

from the author of the Studies of Nature, who was his nephew, seems to have been the author of the next published dissertation on a Congress of Nations. There is nothing left of this Essay, but a review of it, which is published among the works of John James Rousseau. St. Pierre was the originator of the plan, but Rousseau seems to have admired it, and published this review with remarks of his own. The plan of St. Pierre and Rousseau was a confederation, like the Amphictyonic Council, the Helvetic Union, &c.—a system of legislation and arbitration enforced by arms. They adopt the error common to ancient and modern times, that, "It is necessary that no considerable power should refuse." The projector makes five articles necessary to the confederacy. "By the first, the contracting sovereigns should establish among themselves a perpetual and inviolable alliance, appointing plenipotentiaries to hold a fixed and permanent diet, or congress, in a certain place, in which diet, all the differences arising between the contracting parties shall be regulated and decided by way of arbitration." The other four articles show how the decrees of the diet should be enforced by arms; and undertakes to answer some objections. The author then recapitulates the evils attending the settlement of national controversies by war, under thirteen heads, and opposes to them the advantages by arbitration, under eight heads. Both the evils and advantages are too obvious to need particular notice. Saint Pierre presented his scheme to all the monarchs of Europe, and among the rest to Louis XV, of France.

Cardinal Fleury, the prime minister, pleasantly told the author, that "he had forgotten one preliminary article, which was the delegation of missionaries to dispose the hearts of the princes of Europe to submit to such a diet." The peace societies must furnish these missionaries, and send them to the princes in monarchical governments, and to the people in mixed and republican governments. Let public opinion be on our side, and missionaries will not be wanting.

3. The subject of a Congress of Nations seems to have slept in forgetfulness amid the thunders of the late wars in Europe, when the attention of mankind was so engrossed with plans of mutual destruction, that there was no opportunity for the "still small voice" of peace to be heard. Yet there were a few who thought on the evils of war, and sought a remedy. In the London "Monthly Magazine" of July, 1811, appeared an anonymous letter to the editor, from which I make the following extract: "It appears to me, that if the powerful at the head of different nations would seriously turn their thoughts to the subject, that it is not without some probability, that a *National Court of Arbitration* might be established, to which, when two nations disagree, their cause might be referred; and that the decision of this court would frequently, if not always, be abided by. Do we not see, when a difference exists between two people respecting some transaction in business, that the cause is referred to private arbitration and the decision abided by? Why, therefore, would it be impossible to form a national court of arbitration? I

rather compare a court of this sort to an arbitration than to a court of justice; for in an arbitration, the parties choose their friends to be settlers of the dispute, which is not the case when people go to law; the judge and jury, perhaps, are all unknown to the parties differing. Each nation might send one or more deputies to the National Court, which should, perhaps, meet at different places, as might suit, or have one permanent place of assembling." "P. S. Was there ever an attempt of this kind acted on?" These few thoughts appear to be very crude. The writer does not seem to have been aware of the necessity of a Congress of Nations, previous to a Court of Nations, to organize such a court, define its powers, and prescribe the principles on which it should judge; nor does he seem to be aware, that if "each nation send one or more deputies to the National Court," it would be impossible and improper for "the parties to choose *their friends*," to be settlers of a dispute. This writer appears to be ignorant, that any one else ever thought of a Court of Nations; and I never saw his articles until I had arrived at this place in my Essay. Could people be brought together to confer on this plan, nine out of ten of the decent people of Christendom would agree to it, as soon as they understood it.

4. The London Peace Society has always been friendly to the plan of a Court or Congress of Nations, as appears by the following extract from the Herald of Peace, which is their organ. "The Court of Nations is the end of the operations of the peace

societies," but it has never taken any decided action on it, until lately. The Herald of Peace for July, 1839, contains a petition to Parliament on the subject of a Congress of Nations, which was presented on the 12th of April preceding, by Edward Baines, Esq., member for Leeds, and in the House of Lords by I know not who. I mention this event in this place for the purpose of preserving the connection. But as it is best to observe the order of time in the Appendix, I have given this petition the place of No. 13.

5. There is nothing in the publications of the Massachusetts Peace Society which favors the idea that the plan for a Congress of Nations ever engaged the attention of the Rev. Noah Worcester, D. D., the venerable founder of that institution, and the only editor of "Friend of Peace," the organ of that society, or of any one of its members; nor do we find any mention of the plan in the publications or proceedings of any other peace society in America prior to the organization of the American Peace Society.

6. The American Peace Society was organized at a meeting commenced on the 8th of May, 1828, in the city of New York. The following is an extract from the circular letter accepted at that time by the Society, which shows that a Congress of Nations was a prominent object with the founders of it. "We hope to increase and promote the practice already begun, of submitting national differences to amicable discussion and arbitration, and finally of settling all national controversies by an appeal to reason, as becomes rational creatures, and not by physical force,

as is worthy only of brute beasts, and this shall be done by a *Congress of Christian Nations*, whose decrees shall be enforced by public opinion, that rules the world; not by public opinion as it now is, but by public opinion when it shall be enlightened by the rays of the gospel of peace." * It is very evident, that the notions of the founders of the American Peace Society were on this subject very crude and undigested, when they sanctioned and published this circular letter. It has been by constantly thinking, writing and speaking, on this subject, for eleven years, that their ideas have got to be more mature; and they now see that a distinction ought to be made between a congress of ambassadors, for the purpose of settling the disputed points of the law of nations, and a court of judges, to decide cases submitted to them by the mutual consent of the parties concerned, — in other words, a distinction between the legislative and the judicial power.

7. At their next anniversary, the American Peace Society offered a premium of thirty dollars, for the best dissertation on a Congress of Nations. Only four or five dissertations were handed in, and all of them of a very ordinary character. One of them, however, which was thought rather superior to the others, with the consent of the author, was published in a double number of the Harbinger of Peace for January and February, 1831, and is believed to be the first dissertation on a Congress of Nations ever published in

* Harbinger of Peace, Vol. I, p. 10.

America. I have made copious extracts from it, in writing this Essay. Subsequently the Society offered fifty dollars for the best dissertation on the subject, but with no better success. The premium was too small; but the funds of the Society did not allow them to increase it. The subject was afterwards taken up by two gentlemen of New York, as is related in the preface to the volume of Prize Essays on a Congress of Nations; to which I refer the reader.

8. At the annual meeting of the American Peace Society, held at New York, May 11, 1830, there was laid before the Society a letter from J. P. Blanchard, Esq., Corresponding Secretary of the Massachusetts Peace Society, enclosing an abbreviated copy of a letter to him, from a gentleman of Boston, not a member of any peace society, which abbreviation Mr. Blanchard was directed by the Massachusetts Peace Society, to transmit to the American Peace Society. In this letter, the gentleman informs the Massachusetts Peace Society, through their secretary, that he had penned an instrument, and offered it for signatures, not to the members of the peace societies,—who might have been supposed to have already expressed an opinion on the subject,—but to those who had no connection with them. The following is a copy of the instrument: "We the undersigned, convinced of the great advantages and blessings which *an abolition of war*, and the reference of all international disputes to *a Court of Nations*, would confer on mankind, heartily concur in recommending a suitable reference of this

subject, by the peace societies, to the attention of Congress, as soon as such a reference shall be found practicable and convenient." Nine out of ten, to whom this instrument was presented, signed it without hesitation, and those who declined signing, generally expressed their approbation of it.

9. The American Peace Society, at the abovementioned annual meeting, approved of these measures, and directed the correspondence to be published in the Harbinger of Peace, which was done.* They entered warmly into the measure, and struck off a circular containing the proposal, which was widely circulated among the most intelligent and influential characters in New England, and it was found that almost every one to whom the instrument was presented signed it, amounting, in all, to several thousands of names, besides some, which from inadvertence or accident, were never returned. Considerable time, however, elapsed before the friends of peace thought themselves authorized to solicit the aid of legislative action — for when an enterprise of this kind has to be carried on by a few individuals, who are viewed by the bulk of the community as good-natured enthusiasts, who are seeking a great and good, but unattainable object, and where the ill health of one of them causes serious embarrassment, things move slowly. A small obstacle impedes the ascending wheel. It was not until the year 1835, that the subject was brought before the Legislature of the State

* Harbinger of Peace, Vol. III, p. 131, and seq.

of Massachusetts—a State, of which it is no disparagement to any other in the Union to say, goes before all the rest in every good work. February 6, of this year, a petition,* praying for an expression of opinion on the subject of a Congress of Nations, signed only by Thomas Thompson, Jr., and William Ladd, was presented by the Hon. Sidney Willard to the Senate, who took the same into consideration, and referred it to a special committee of three, who made a very able report,† favorable to the prayer of the petitioners, accompanied with the following resolutions:

"*Resolved*, That in the opinion of this Legislature, some mode should be established for the amicable and final adjustment of all international disputes, instead of resort to war."

"*Resolved*, That the Governor of this Commonwealth be requested to communicate a copy of the above report and of the resolutions annexed, to the Executive of each of the States, to be laid before the Legislature thereof, inviting a cooperation for the advancement of the object in view."

This report, with the resolutions appended, was adopted by the Senate by a majority of 19 to 5, only a very little having been said against it, by a gentleman, who, needlessly, acknowledged that he had never examined the subject. Before this report was made and adopted by the Senate, it had got to be too late in the session to carry the subject before the House, and nothing more was done on it, in the Legislature

* Appendix, No. 2. † Appendix, No. 3.

of Massachusetts, this year. The next year, Mr. Thompson, on whose perseverance and diligence the cause depended in a great measure for success with the Legislature of Massachusetts, was confined to his house by sickness.

10. In 1837, a petition was presented to the Legislature of Massachusetts, signed only by Mr. Thompson,* and another, signed by the President and the Executive Committee of the Massachusetts Peace Society.† These petitions were referred to a joint committee of the Senate and House of Representatives, which committee made a very lengthy and able report,‡ to which resolutions were appended something similar to those appended to the preceding report, but in addition calling the attention of the Executive of the United States to the subject, and recommending "a negotiation with such other governments, as in its wisdom it may deem proper, with a view to effect so important an arrangement." This report, with the resolves appended, was adopted by the Senate by a majority of 35 to 5, and by the House, without a dissenting vote. The subject was subsequently laid before the Legislatures of Maine and Vermont, but on account of its not being so well understood in those States as in Massachusetts, it has been deferred; but it came very near being favorably received by the Legislature of Vermont, where it was lost by its opponents calling party spirit, that bane of all good, to their aid.

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* Appendix, No. 4. † Appendix, No. 5. ‡ Appendix, No. 6.

11. The American Peace Society was only waiting for the sanction of the Legislature of Massachusetts, to carry the subject before the Congress of the United States. They were, however, anticipated by the New York Peace Society, that had prepared and sent on a very able petition* to Congress. Instead of getting up a new and separate petition, the American Peace Society heartily cooperated with their brethren of other societies, and the friends of peace in general, in forwarding copies of the same petition. There were presented to the House of Representatives, six petitions of members of the New York Peace Society and others, sent by Origen Bachelor, signed by 608 persons; one from the American Peace Society and others, signed by William Ladd and 539 legal voters in the State of Maine, and generally men of the first respectability; one from Thomas Hough, and 143 other members of the Vermont Peace Society; one from Thomas Thompson, Jr., and 135 members of the Legislature of Massachusetts; in all, 1427 names besides those sent to the Senate, and one signed by most of the gentlemen of the bar in Augusta, Hallowell, and Gardiner, in Maine, and probably others, of which I have no information. In general, more attention was paid to the respectability, than to the number, of subscribers.

12. On the reception of these petitions by the House of Representatives, Mr. Adams, in a letter to the author, remarks, "On the 22d of March last, I

* Appendix, No. 7.

received your memorial signed by 539 legal voters of the State of Maine, and on the 23d presented it to the House, together with that of Thomas Thompson, Jr., and 134 members of the Legislature of Massachusetts, then in session. A memorial of the same purport had been previously presented by me, signed by Origen Bachelor, and 425 members of the New York Peace Society, and others. At certain periods of the session, I had presented three other petitions of similar character, and Mr. Evans of Maine, and my colleague, Mr. Cushing, had presented others. I moved the reference of the first to a *select committee.* The Chairman of the Committee of Foreign Affairs manifested a strong inclination to have it *laid on the table.* He denied that any proposition for an arbitration of differences had been made by the Mexican government, but was afterwards obliged to acknowledge, in this respect, his mistake. But he moved the reference of the petition to his own committee, and it was so referred. The subsequent petitions on the same subject, including yours, were all referred to the same committee. They were viewed by the majority of the House with great jealousy, as abolition petitions, or petitions against the annexation of Texas, in disguise."* The petition was also presented and

* The following are extracts from a letter from ex-president Adams to the Corresponding Secretary of the New York Peace Society:

"Your petition first brought to the notice of the whole government of these United States the *fact*, that the Mexican Congress had, by a solemn decree of the 20th of May, 1837, authorized their Executive to agree with our government to refer the differences between the two

advocated in the Senate by Mr. Clay, and ordered to be printed, but there was not sufficient time to act on it, as the session was near its close, and probably the Senate waited for the action of the House, in which body the petitions were referred to the Committee of Foreign Affairs, according to the request of its chairman.

13. The report* of the Committee of Foreign Affairs shows how little our popular men understand the subject. They will understand it better, when it becomes more popular. When we consider the treatment which the first motion for the abolition of

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countries to an arbitrator. It appeared at first, that neither the President of the United States, nor their Secretary of State, nor their Chairman of the Committee of Foreign Relations of their House of Representatives, knew the existence of the Mexican decree. It was to your petitions that Congress were indebted for the knowledge that the Mexican decree existed.

"The proposal of a reference to arbitration was itself so reasonable, that no voice was heard in Congress against it. The denial of its existence produced an immediate formal communication of it to the Executive Administration of the United States; and very soon afterwards, it was conditionally accepted. This removed all immediate danger of a war with Mexico; and if the petitioners of the peace societies had never rendered to their country any other service, they would have deserved the thanks of the whole nation for this.

"The other proposals of your petition, urging upon the Congress and government of the United States a course of policy looking to the promotion of universal peace, and for that purpose to the formation and establishment of a Congress of Nations, have been duly considered by the Committee of Foreign Relations, and they have submitted to the House a report, ten thousand copies of which have been ordered to be printed. The close of the present session of Congress is so near, that there will not probably be time for a discussion in the House on its principles."

* Appendix, No. 8.

the slave trade met with in the British Parliament in 1776 — that there was not one member who had moral courage enough to second the motion, and that the same body afterward, not only abolished the slave trade, but slavery, also, in the British West Indies, we have great reason to hope for results equally favorable.

14. Not at all discouraged by a result which they had expected, the American Peace Society forwarded another petition* to the Congress of 1838–9, in which they refute the reasoning of the Committee of Foreign Affairs. The New York Peace Society also sent another petition for a like purpose. † The president of the American Peace Society also took a journey to Washington to attend to the furtherance of this business, and had a special interview with the President of the United States, and conversed with some of the leading members of Congress, from all of whom he gathered, what indeed he knew before, that if the rulers in representative governments are to be induced to adopt any new measure of public utility, it must be through their constituents. In such purposes application must always be made chiefly to those in whom the sovereignty is established, — to monarchs in monarchical governments, to the people in popular governments, and to both in mixed governments. The chief use of such petitions in popular governments is, to bring the subject before the people by means of their representatives. President Van

* Appendix, No. 9. † Appendix, No. 10.

Buren said he had noticed the report of the committee of the Legislature of Massachusetts, which had been sent to him, and had read a *part* of it, but had not yet communicated it to Congress. Before either the President or the Congress of these United States will act on this subject, the sovereign people must act, and before they will act, they must be acted on by the friends of peace; and the subject must be laid before the people, in all parts of our country, as much as it has been in Massachusetts, where there has, probably, been as much said and done, on the subject, as in all the other twenty-five states of the Union. When the whole country shall understand the subject as well as the State of Massachusetts, the Congress of the United States will be as favorable to a Congress of Nations as the General Court of Massachusetts; and when the American government shall take up the subject in earnest, it will begin to be studied and understood by the enlightened nations of Europe. As the session of 1838–9 was what is generally called the short session, closing on the 4th of March, no report was made on these petitions, which, as usual, had been committed to the Committee on Foreign Affairs. Uncertain what would be the fate of these petitions, the American Peace Society thought best to forward another short petition.* Since that petition was sent on, we have learned, through the medium of the public journals, that the petitions not acted on during the session of

* Appendix, No. 11.

1838–9 are continued in the same committees to whom they were referred, to be acted on this year [1839–40]. Beside these petitions, shorter ones, signed by many persons, have also been sent on much more numerously this year than ever before.* Very able petitions have also been penned by private individuals, and signed by almost all the citizens of the neighboring community.

15. The attention paid to the subject in Great Britain, and the petition to parliament, we have noticed before.† It has also received some attention on the continent of Europe, particularly in Switzerland. The late Count de Sellon, member of the Sovereign Council of Geneva, the founder and president of the peace society of that canton, offered a prize of 400 francs for the best dissertation on this subject, in the year 1830, and had some correspondence with the rulers of Europe on the general subject of peace, which was politely and favorably answered; but so extremely difficult is the communication between this country and Switzerland, that we are much in the dark concerning his movements. The time will come, when a Congress of Nations will establish an international post-office for the whole civilized world. Then all the great moral enterprises will move on with an accelerated velocity.

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* For a sample of these petitions, see Appendix, No. 12.

† Appendix, No. 13.

CHAPTER X.

ON THE OBJECTIONS WHICH MAY BE RAISED AGAINST A CONGRESS AND COURT OF NATIONS.

1. Objections expected—2. Concentration of power—3. No power to enforce the decrees of the Court—4. Danger to governments—5. Danger to republics—6. The present mode of umpirage sufficient—7. Expense—8. The same objections lie against all national arbitration.

1. It is but reasonable to expect objections against our plan. The greater part of the world are opposed to innovations, and consider "an old error better than a new truth." It is much easier to remain in error than to attempt improvement. It requires no effort to keep still, but it does to advance. Hence the progress of moral reformation is always slow. Mankind are apt to cry like the slothful man in the proverb, "There is a lion in the way." But we should not be discouraged for all this, for we know that many things have been accomplished which were once thought as impracticable as the plan which we propose; but we should patiently continue to remove objections as fast as they are brought up. It is probable that similar objections were started when it was first proposed that the trial by jury should take the place of the ordeal of battle, as this had taken the place of private revenge, assassination, and murder. The plan, which we propose in a Congress of Nations,

is a similar advance on the manners of the age, that the trial by fair battle, regulated by well-known and acknowledged laws, was on the private revenge of the time of Alfred the great; and the Court of Nations substitutes an appeal to reason for the trial by battle, or an appeal to brute force, as the trial by jury succeeded the ordeal of battle.

2. The first objection, raised by those who have never looked into the subject — which class, unfortunately, comprises the bulk of community — is, that we are for *concentrating too much power in the hands of a few men*, and they fancy great fleets and armies, as was proposed in the Great Scheme of Henry IV. It is a sufficient answer to this objection, that physical power to enforce the laws of our Congress, or the decrees of our Court, forms no part of our plan.

3. The next objection which we shall consider is of quite the contrary character. It is objected, that *we have made no provision for enforcing the laws of our Congress and the decrees of our Court by physical power*, fleets and armies; and that, therefore, such laws and judgments would prove entirely abortive. This objection is somewhat specious and requires consideration. If it be valid, why have so many wise and able writers taken great pains to compose treatises on the Law of Nations. None of these writers possessed the physical power to carry their laws into effect; yet their opinions have always had great weight, and they have been considered benefactors to mankind. Now, should a great number of able civilians convene for the purpose of discussing the

various points of international law, is it not likely, that they would much better express what is the general will of mankind than isolated individuals shut up in their studies? "Law is the expression of the general will," and nothing else, whether it be national or international. There is one great advantage which would attend a Congress of Nations, which is, that on such points as are difficult to settle by abstract reasoning, the representatives of nations could agree in the spirit of *compromise*. The same objection would lie against a weak power ever making a treaty with a strong one. All these laws would be but a treaty, by which the nations represented would bind themselves to observe certain principles, in their future intercourse with one another, both in peace and in war. The same objection would lie against leaving *any* dispute to arbitrators; for no person expects that the umpire will enforce his award by military power. I believe that, even now, *public opinion* is amply sufficient to enforce all the decisions of a Court of Nations, and the "schoolmaster is abroad," and public opinion is daily obtaining more power. If an Alexander, a Cæsar, a Napoleon, have bowed down to public opinion, what may we not expect of better men, when public opinion becomes more enlightened? The *pen* is soon to take the place of the *sword*, and reason is soon to be substituted for brute force, in settling all international controversies. Already there is no civilized nation that can withstand the frown of public opinion. It is therefore necessary, only to enlighten public opinion still farther, to insure the

success of our plan. In civilized countries there is not probably one tenth part of the people who obey the laws from fear of the sword of the magistrate. Nine persons out of ten fear disgrace more than they do any other punishment; and men often inflict capital punishment on themselves, in order to escape from the frown of public opinion, which they fear more than death. It is true that, heretofore, public opinion has not had so much influence on nations as on individuals; but, as intercourse between nations increases, the power of public opinion will increase. Nations make war as individuals fight duels, from fear of disgrace, more than from any other cause. If it were disgraceful to go to war when there is a regular way of obtaining satisfaction without, wars would be as rare as duels in New England, where they are disgraceful.

4. Another objection is, that a *Congress of Nations would be dangerous to existing forms of government*, particularly to the republican form. This objection has been urged with considerable plausibility in this country; but on examination into our plan, it vanishes of itself. The Congress of Nations is not to concern itself with *internal* affairs of nations, but only with *international* affairs, and could have nothing to do with forms of government. Besides, no member of the confederation is bound by any law which it has not ratified; and as each law is of the nature of an article of a treaty, if supposed to be dangerous to free institutions, the delegates from free governments would not vote for it, and no law can be enacted by the

Congress of Nations without an unanimous vote; and even if it were passed, if it were not ratified by all the nations of the confederacy, it would be null and void, like an article of an unratified treaty. And, again, as the Congress of Nations is not trusted with any physical force, as has been the case with many of the confederacies which we have examined, and was to have been the case in the Great Scheme of Henry IV, there could be no danger of a nation being compelled to change its form of government. And yet, again, the same argument would be equally conclusive against any treaty between a republic and a monarchy.

5. But still the objector urges that, *as the decrees of the Court of Nations are passed by a majority of the judges, as in the Supreme Court of the United States, and not by unanimous consent, as in the Congress of Nations, republics would not stand so good a chance of obtaining justice as monarchies*, which would be more numerously represented in the Court of Nations, and the judges representing them might be influenced by their prejudices against republics. To this we answer, that it is not certain that monarchies *would* be more numerously represented than republics and limited monarchies; that the United States, a republican government, has been willing to leave its disputes with the crowned heads of Europe, to other crowned heads, without the fear of partiality, and have not suffered by it. The same objection might, with equal plausibility, be urged against a trial by jury, in which the cause of a catholic may be tried by a jury of which a majority

are protestants, or a person of one political party by a jury of which a majority are of the opposite party. We do not pretend that our system is perfect, for there is nothing perfect on earth. All that we contend for is, that this peaceful mode of settling international controversies is better than war, and more likely to give a righteous verdict without the innumerable evils of war.

6. It has been objected, *that we have now many precedents of submitting national difficulties to umpires agreed on by both parties, and we want nothing more.* It is true, such references of international difficulties have often taken place of late, and we hail them as auspicious tokens that our plan will finally succeed; for they are very evident approximations to it. But the advantages of a Court of Nations over individual umpirage must be very evident, from the following considerations: 1st. An umpire has *now* no law of nations by which to regulate his decisions. It is granted that there have been many able writers on the law of nations; but their laws are sanctioned by no authority, and they do not agree among themselves. The decisions of individual umpires would be formed by no rule of generally acknowledged law; and would often be different under similar circumstances; which would not only detract from their moral power, but would prevent the formation of a body of international common law, to be a guide to future decisions. 2d. A single umpire, especially a crowned head, having political and commercial relations to all the rest of the world, cannot be expected

to be so impartial as a bench of eminent jurists, selected from the most renowned in their own country for their talents, integrity and experience, and translated from the highest judicial stations in their own nation to fill the highest judicial station in the world; especially as they know that their judgments will be rejudged by all mankind, and to the latest posterity. With such men, the desire of a reputation for being great jurists has been their ruling passion through life — their ultimate object; and a stronger motive could not be laid before them. They may err in judgment, for "to err is human," but they would not be so likely to err as a single umpire, and bribing would be out of the question; and if one could possibly be bribed, the majority of them could not. 3d. Such men are not only more able than men in general to detect the sophisms and false reasoning of the pleaders of either party to an international dispute, but they are more able to make the case plain to all the world. It is of little importance for a judge to be able to perceive the truth, if he is not able to make the truth appear plain to the jury, not only as to matters of fact, but also as to matters of argument. No one who has been in the habit of attending common courts of law is unconscious of something like this, in his own mind. One barrister gets up and pleads the cause of his client; and the unpractised juryman thinks that the truth is undoubtedly with him. The counsel for the opposite party pleads, and then the juryman reverses his decision, or hangs in doubt. But the judge takes up the case, strips the

falsehood from the truth, and exposes the sophistry of the pleaders; and then the jury unanimously agree upon a verdict. 4th. Experience shows how much nations prefer a numerous body of umpires to a single one. Within the last two hundred years there have been fifty congresses for the settlement of international difficulties, though there have not been ten cases of individual umpirage in the same time. Had there been a Court of Nations, the French government would, probably, have submitted its disputes with Mexico, Buenos Ayres, and, perhaps, with queen Pomare, also, to it, instead of deciding them by the mouth of the cannon; for, in answer to the offer of England to mediate between France and Mexico, the French government, through its official organ, the Journal des Debats, replied: "No foreign tribunal is *sufficiently elevated* to impose its jurisdiction" in the premises. These remarks were considered by the court of London as coming from an official source, and they contain a precious confession, on the part of France, that there is great need of such a tribunal as the Court of Nations, which would be "sufficiently elevated" to judge this and similar cases.

7. Some may be disposed to object to our plan, *on account of its expense.* This would be light indeed when compared with the cost of war. It would not cost a nation so much as the maintenance of a single gun-boat, nor all Christendom so much as the support of a single frigate in active service; while it would save thousands of millions, pay off the national debts

of all countries, reduce the taxes seven-eighths, and leave a large fund for internal improvements, education, and every useful work.

8. We may, therefore, safely *conclude*, that no objection can be brought against our plan of a Congress and Court of Nations, which is not equally valid against all legislative and judicial bodies; that the system is safe for all forms of government; that its expense is not worth naming; and that it is altogether preferable to individual umpirage, as it concentrates the public opinion of the whole civilized world, and would be able to enforce its decrees and decisions by moral power alone.

CHAPTER XI.

THE REASONS WHICH WE HAVE TO HOPE THAT A CONGRESS AND COURT OF NATIONS MAY BE, BEFORE LONG, ESTABLISHED.

1. Every thing which ought to be done can be done—2. Great changes have taken place—3. Individual vengeance of former times—4. Origin and progress of society—5. Change of opinion in religious persecution—6. On piracy—7. On war—8. Amelioration of the evils of war—9. Religious wars no longer tolerated—10. Opinion on the slave trade changed—11. Also on the use of alcohol—12. Improvements in civil society—13. Increased power of public opinion—14. Increased intercourse of nations—15. Missionary enterprise—16. Disposition to arbitrate international difficulties—17. Improvement in the arts of destruction—18. The ascending side of justice—19. Favorable principle in human nature—20. Prophecy.

1. It is an incontrovertible axiom, that *every thing of a moral nature which ought to be done, can be done.* There is no object favorable to the happiness of mankind, and founded on the immutable principles of truth, which zeal, intelligence and perseverance, with self-sacrifice, will not finally accomplish. I do not say that so great an enterprise, as a Congress of Nations, can be accomplished in a day. It will probably be of slow growth, like the trial by jury, and by slow degrees it will ultimately arrive at the same approximation to perfection, which that has arrived at. There is the greater need, therefore, that those who favor the object should begin the work without loss of time. If we wish to eat of the date, we should

plant the seed immediately. If we wish our children to see the flower of the aloe, we must ourselves begin the cultivation.

2. If we look back into the history of the world, we shall have no reason to doubt the truth of the above-mentioned axiom; for changes have taken place in the world as wonderful as would be the change from the trial of international disputes by brute force and the chance of war, to the trial of such disputes by reason and an impartial tribunal. Indeed, such changes have already taken place with respect to individuals, and even of independent states confederated together for the purpose, though on a small scale. I shall briefly allude to a few of these changes.

3. The time was, when every individual took vengeance into his own hands, as nations do now. Even among the chosen people of God, the avenger of blood was allowed to pursue the manslayer, and if he overtook the homicide before he reached a city of refuge, he slew him without a trial. This practice, but without the city of refuge, still obtains among the savage nations of America, the Arabs, and in many parts of Greece. When, therefore, Alfred the great instituted the ordeal by battle and regulated revenge by law and gave it the sanction of religion, it was considered a great advance on the barbarous manners of the age. Bringing the custom of war — which is nothing else than the custom of unregulated robbery, revenge and assassination — under certain rules and regulations, avoiding much of its frequency, abating its cruelty, and diminishing the number of persons

who should be considered combatants, would prepare the way for subjecting the whole system to a trial by reason and the Court of Nations, as the ordeal by battle was gradually changed into the Grand Assize, which was substituted for it by St. Louis, of France, and Henry II, of England, after an existence of five centuries. This amelioration began by exempting certain *characters* from the trial by battle; then certain *causes* were excluded; then other causes, *under certain circumstances*, as when compurgators, or jurors, would swear to the innocence of the accused,—but the juror was liable to be challenged by the prosecutor,—the accused could not be compelled to *risk life or limb a second time*, under the same accusation, and many other ameliorations were gradually introduced, until the judicial combat became entirely obsolete in all countries where it had existed; and the only shadow of it left is the modern duel, though it has not been ten years, since the trial by battle, in all cases, was formally expunged from the statute law of England. Formerly, the judicial combat was almost universal in Christendom, and was impiously called an "appeal to heaven," and was preceded by fasting and prayer, as the custom of war is now. If this custom of the duel or private war, once sanctioned by church and state, has been denounced by both, why may not the custom of war, in due time, share the same fate?

4. The origin and progress of society also affords a hope, that a trial of international disputes by a regularly constituted court, judging by known and acknowledged laws, may in time take the place of

the ordeal of war. Small bodies, like the independent states of Greece, Italy, Germany, Gaul, the Saxon Heptarchy, the Hanse Towns, the Helvetic Union, &c., have voluntarily congregated together, not only for the purpose of mutual defence against a foreign power, but for mutual defence against each other. These found it necessary to constitute certain councils and diets, which were as successful in securing peace among the several members of the league, as could reasonably have been expected, considering the darkness, ignorance, and belligerent spirit of the times in which they existed; and were bright spots in the history of those dark ages. But they admitted two principles among them, which destroyed, at length, their utility, and from which our plan is free. The first of these was, the enforcement of their decrees by the power of the sword, instead of depending on moral power alone. The other evil, which attended their organizations, was the union of the legislative, judiciary and executive powers in one body. This introduced intrigue, ambition, and many other baleful passions and practices, which strongly tried their principles of peace and justice; but with all these disadvantages,—such is the force of the principles which we advocate,—they continued to preserve peace among themselves for centuries, with but little interruption; and when they fell, they fell rather by external violence than internal dissensions.

5. The change of opinion on the necessity of religious persecution warrants the hope, that it will likewise change on the necessity of war. There was

a time when religious persecution was thought as necessary to the safety of the church as war is now to the safety of the state; and this opinion was peculiar to no sect, for Protestants were persecutors as well as Catholics. The fires of persecution were lighted up in all parts of the Christian world, and rivers of blood flowed, for the vain purpose of procuring an uniformity of faith and practice in the affairs of religion; but who now would dare to raise his voice in favor of religious persecution? If so wonderful a change in public opinion has taken place with respect to religious wars, why may we not expect a similar change with respect to political wars?

6. Piracy was practised and honored by the polished Athenians, who plundered and enslaved all who were not Greeks; and piracy has been allowed, and even honored, almost to the present day. Sir Thomas Cavendish, a famous pirate, flourished about the year 1590, and the celebrated Dampiere, about a century later. The latter was advanced to the command of the sloop of war Roebuck. Charles II knighted Morgan, a famous pirate, and gave him the command of one of his ships of war. Now who is there to advocate piracy? It is true, privateering is but licensed piracy, and we can hardly conceive the difference between the unlicensed pirate and the foreigner who ships on board a privateer, to fight against a country with which his own is at peace, and to rob and murder those who never injured him or his country. The time is not far distant when, though war may be continued, such men will be treated

as pirates, and the whole system of privateering abandoned by the mutual consent of all civilized nations, assembled by their ambassadors in a Congress of Nations.

7. The great change which has lately taken place in public opinion, on the lawfulness and expediency of war, affords a hope that this change will go on, until the time shall come when it will be thought neither glorious, just, nor wise, to conquer foreign countries, and thereby load the conquering country with debts and taxes, as well as the conquered nation. Once it was different. Lord Bacon was of opinion, that war was as necessary to the welfare of the state, as exercise to the health of a man. Hobbes maintained that there was no obligation of justice between nations; and that wars for conquest and spoil were authorized by the law of nature. Fenelon, the amiable archbishop of Cambray, in his Telemachus, advises his prince to send his subjects into foreign wars, to acquire a martial spirit and disseminate it among their countrymen. But Frederic the great, though a great conqueror, considered that no conquest he ever made was worth one year's interest of the money it cost. Franklin thought that there never was a good war, nor a bad peace. Jefferson was an honorary member of the Massachusetts Peace Society, and so was the emperor Alexander. Cassimir Perrier, the late lamented prime minister of France, was eminently a man of peace, and so is Lord Brougham, and even Daniel O'Connell. This change of opinion, on the subject of war, indicates that a change of measures is not far distant in the vista of time.

8. The amelioration of the physical evils and sufferings of war warrants a belief, that they may be further ameliorated, until war comes to be attenuated to a mere shadow of what it has been. It may be true that "the natural state of man is war," as was affirmed by Hobbes; but Christianity has begun to modify the natural state of man, and its first step was a mitigation of the horrors of war. Formerly, poison and assassination were practised by civilized nations, as they are still by barbarians. Christianity has abolished those customs. But Christian nations still starve their enemies in masses, and assassinate them by wholesale. Formerly, all the inhabitants of an enemy's country were treated alike, and were enslaved or killed. Now, the greater part are considered as non-combatants, and their life and liberty are spared; and there is reason to hope that this list of non-combatants will be farther enlarged, so as to embrace all men following their peaceful business, whether by sea or land. Formerly, all the property of the enemy was considered lawful prize to the captor. Now, private property *on shore* is respected; and we have reason to hope, that this amelioration will advance, until private property shall be respected on the ocean, at least under a neutral flag. Why may not these ameliorations continue to go on, until war becomes a mere matter of form and nonintercourse?

9. There are many things which were formerly thought justifiable causes of war, which are thought so no longer. Once it was thought right to propagate Christianity by the sword! Crusades were preached

up, not only against the pagans, but against various sects of Christians, and they were thought agreeable to justice and the gospel of the Prince of peace. Once, wars for conquest and spoil were justified, and conquerors extolled to the skies and almost deified. Now, public opinion is so far corrected, that wars to propagate the Christian religion are never thought of, and wars for conquest and plunder are reprobated, and those who engage in them are compelled, by the power of public opinion, to issue a manifesto to show the justice of their cause; for men now fight *professedly* for justice. A little more light will show mankind that the sword is a capricious arbiter of justice; and were there an adequate tribunal, no government could without disgrace appeal to the sword for justice, at least, until it had invited its adversary to refer their disputes to that tribunal. Nations are now not justified in resorting to war, until they have tried every other mode of redress; and war is called "the last resort of kings," simply because there never has been an international tribunal on an extended scale.

10. The great change in public opinion which has taken place with respect to the slave trade, warrants the hope, that a similar change may take place with respect to war. This trade was carried on for centuries, with the approbation of the Christian public; and millions of our fellow-creatures have been carried into hopeless bondage. Yet it was not until the year 1776, that any attempt was made to abolish it; and that attempt was met with a more decided rejection,

by the British parliament, than our petitions for a Congress of Nations have met with from the American congress. The advocates of the abolition of the slave trade were then treated with greater contempt than the advocates of the abolition of war are now. Yet the former succeeded beyond their most sanguine expectations, and similar success may attend the advocates of peace.

11. The great change in public opinion, which has taken place with respect to the benefit to be derived from the use of ardent spirits, warrants a hope, that a similar change will take place at no distant day, with respect to the utility of war. Once, alcohol was thought as necessary to the health of a man, as war is now to the safety of the state; but alcohol is now denounced as poison, and the time is not far distant when war will be considered a greater evil than alcohol. Not long since, the advocates of total abstinence from all that can intoxicate, were considered fanatics; but their wonderful success shows the power of truth when properly presented. Many, who once considered the trade in ardent spirits lawful, have now abandoned it. The same may take place with respect to the trade of war.

12. The improvements in *civil society*, which have been increasing since the last great war in Europe, in a geometrical ratio, warrant the belief, that mankind will adopt a more rational and civilized mode of settling their disputes than the barbarous custom of war. Arms have, in a great measure, given place to laws. Formerly, a man had no other way of acquiring

celebrity, than being great in fight, and in emulating savage beasts in the display of courage and ferocity. The arts, the sciences, politics, jurisprudence, travels, inventions, and the benevolent enterprises of the day, furnish more rational fields for the ambitious. Emulation in the works of benevolence is taking place of emulation in the arts of destruction.

13. The late improvement in, and increased power of, *public opinion* furnish another guaranty of peace. Glory and conquest are no longer acknowledged as justifiable causes of war. Every war requires a manifesto in which the justification of war measures is attempted. Even Napoleon himself, in the plenitude of his power, trembled at the shaking of a pen, in the hand of a British reviewer. No army, no fortress, can withstand the attacks of public opinion. It reaches the tyrant on the throne, and the conqueror on the field of battle, and stings through the folds of purple and the coat of mail. "Arms cannot kill it. It is invulnerable, and, like Milton's angels, 'Vital in every part, it cannot, but by annihilation, die.'"* Public opinion is daily becoming more powerful, because more enlightened; for "great is the truth, and it will prevail," and finally triumph for ever over brute force.

14. The increased intercourse of nations is another guaranty of peace. It was the former policy of nations to be as independent of one another as possible — withdrawing within themselves like a tortoise, to

* D. Webster.

look on security from external danger as the chief end of government; without exchanging the gifts of kind Providence with other nations, by means of that great highway, the ocean, which he has created for the purpose of exchanging the surplus products of one nation for the superfluities of another; and thus relieving the necessities of all. Under this Chinese system, mankind became prejudiced, morose and misanthropic, and considered the depression of a neighboring country the elevation of their own. Nations now begin to see, that God has made mankind for a system of mutual dependence on one another, and that the more we are dependent on another nation, the more that nation is dependent on us — that to impoverish our customers is not to enrich ourselves, and that the more we buy of other nations, the more they will buy of us. Hence a wonderful spring has been given to commerce — all climates are brought into juxtaposition, and the superfluities of one climate minister to the wants, the comforts, and the luxuries of another. This happy state of things is interrupted by war; and the evils of war are found not only in the tax-book of the belligerent, but in the workshop, and on the farm and plantation of the neutral. The manufacturers and merchants of England would have found their advantage in paying all the claims of France on Mexico, if that would have prevented the blockade of La Vera Cruz. Though the United States were almost the only carriers in the world, during the late wars in Europe, yet they found their commerce so crippled and

restricted by war, that they preferred a state of war itself to neutrality. The world has at length found out, that it is for the interest of every nation to keep all the other nations at peace.

15. The union of almost all Christian nations in spreading the gospel of peace over the world, is another of the signs of the times favorable to the cause of permanent and universal peace. In the dark ages, Christian nations united in arms, and bishop-generals led their mailed monks and vassals to Palestine, for the purpose of wresting an empty sepulchre from the hands of the infidels, by sword and spear. In the words of Anna Comnena, "All Europe was emptied on Asia." They took the sword, and they perished by the sword. Now, an holier enterprise is on foot, more consistent with the genius of Christianity. Christians have again gone forth, but armed with the "sword of the Spirit, which is the word of God;" and their design is to conquer the world and to bring it under the mild sceptre of the Prince of peace; and every wind brings us news of their success in one quarter or another. War would put a stop to all these peaceful conquests, not only by stopping all intercourse, but by a still worse consequence — the example of fighting Christians on those they are seeking to convert to the gospel of peace. With what reluctance must the missionaries inform the new converts, that their stations must be abandoned, because the Christian nations, that had ministered to their support, were engaged in mutual slaughter! Every one who supports the missionary

cause will, if consistent, favor the cause of peace and a Congress of Nations.

16. A disposition among the nations of Christendom to mediate and to arbitrate, is another of the signs of the times, which is highly auspicious to the cause of permanent and universal peace. Never, before, was there such a disposition to avoid war. Belgium and Holland have referred their disputes to England and France. Great Britain and America have referred their disputes to Russia and Holland. The United States and Mexico have called on the king of Prussia as an umpire between them; and the benevolent exertions of Christian nations have extended beyond Christendom, and the five great powers of Europe have offered to mediate between the Grand Sultan and the Pacha of Egypt. This is indeed the "era of good feelings;" and the time is at hand, when no nation will venture on war before an offer of arbitration, without disgrace bordering on execration. Now, if the arbitration of an individual umpire is good, the judgment of a regular Court of Nations is better, for the reason already shown; so that there can be no reasonable doubt, that such a court will, ere-long, be established.

17. Even the late improvement in the arts of destruction, and the increased expense of war, are a security for the continuance of peace. It is true, many of the barbarous and protracted torments of ancient warfare, such as poison, and the starvation and crucifixion of prisoners have ceased among Christians, but the means of immediate destruction have greatly

increased. The congreve-rocket, the torpedo, the newly invented bomb and bullet, the steam-frigate, and many others in contemplation, afford means of immediate destruction unknown to the ancients, or to modern nations not yet converted to Christianity; and they enable the machinist to be more efficient in destroying human life than the hero. The increased expense of carrying on war by these terrible engines, rather than by human machines, will occasion a great increase of the burthens of war, and will make it more difficult to raise the requisite amount of taxes; and this will turn the attention, both of rulers and subjects, to a cheaper method of settling international disputes.

18. The ascending scale of justice, from the mayor's or justice's courts, to the inferior and the superior courts, and finally to the Supreme Court of the United States, wants but one step more to complete the system, and that is a court which shall settle disputes between sovereign and independent nations; in the same manner as the Supreme Court of the United States has settled many cases of disputes between the several sovereign and independent States of North America, without ever yet having caused the shedding of one drop of blood. The Admiralty court of Great Britain affects to be a court of appeals to decide cases between the British government and foreigners, by the law of nations, when not restrained by acts of parliament; but it is not independent, nor is its authority acknowledged out of the British empire. The several diets of the various confederations of Europe are humble imitations of a Court of Nations, in reference to the members of

the confederacy by which they have been organized. Only one step further and we have a Court of Nations. There is great reason to hope, that this step will erelong be taken, and the scale of justice completed.

19. There is one general principle of human nature, which ought not to be left out of our account, and that is, that when men meet together with a sincere desire of doing any thing which ought to be done, that very desire and that very meeting are guaranties that the thing they contemplate will be done. Now if a convention of delegates from the chief powers of Christendom should meet together, with a sincere desire to organize a Congress and Court of Nations, it is absurd to suppose they cannot do it.

20. The above arguments and facts which go to show that the time is near when Christian and civilized nations will seek some other arbiter than the sword to settle their disputes, are amply sufficient to convince any unprejudiced mind of the practicability of the plan which we propose. But as I am writing for those nations that profess to believe in the divine inspiration of the Holy Scriptures, I draw my concluding argument from them. From the many prophecies which predict a time of permanent and universal peace, I select only one. "But in the last days, it shall come to pass, that the mountain of the house of the Lord shall be established in the top of the mountains, and it shall be exalted above the hills; and people shall flow unto it. And many nations shall come, and say, Come, and let us go up to the mountain of the Lord, and to the house of the God

of Jacob; and he will teach us of his ways, and we will walk in his paths; for the law shall go forth of Zion, and the word of the Lord from Jerusalem. And he shall judge among many people, and rebuke strong nations afar off; and they shall beat their swords into ploughshares, and their spears into pruning-hooks: nation shall not lift up a sword against nation, neither shall they *learn* war any more. But they shall sit, every man under his vine and under his fig-tree; and none shall make them afraid: *for the mouth of the Lord of hosts hath spoken it.*" Micah 4: 1—4. Now, though we may reasonably expect, from the promises of God, and the signs of the times, that the period is not far distant, when wars will cease; yet we cannot reasonably expect, that while man remains the same selfish creature he is, disputes and contentions will altogether cease; but that very selfishness will induce him to seek some cheaper, safer and surer way of obtaining justice, than war; and a Court of Nations will be both the cause and effect of the perpetual cessation of war. Mankind have tried war long enough to know that it seldom redresses grievances, and that it generally costs more than the redress is worth, even when it is most successful; and "that," to use the words of Jefferson, "war is an instrument entirely inefficient toward redressing wrong; that it multiplies instead of indemnifying losses." What, then, shall hinder the nations from adopting a cheap and sure mode of redress, such as a Court of Nations promises?—what but blindness to their own happiness, which cannot always endure?

CHAPTER XII.

ON THE BENEFITS WHICH WOULD BE LIKELY TO ACCRUE FROM A CONGRESS AND A COURT OF NATIONS.

1. Little need be said under this head—2. Code of international law—3. Court of Nations—4. Conservators of the peace of nations—5. Abatement of taxation—6. Saving of human life—7. Moral evils of war prevented.

1. MUCH need not be said on this subject after the preceding chapters, as it would be only a repetition of arguments. In fact, the advantages are so obvious, that it is not necessary to say much; but I will mention a few particulars not before stated, or but slightly alluded to.

2. One advantage to be derived from a Congress of Nations is a code of international law, no longer dependent on the conflicting and changing opinions of civilians, but solemnly agreed upon, after mature deliberation, by the nations represented by their wisest men, and confirmed by the respective governments, like a treaty of peace or commerce. Every nation, every independent state, every city and body corporate, nay, even every voluntary association, thinks it necessary to have a well-defined code of laws, by which to regulate their conduct with one another. Why, then, should not the community of nations have such a code of laws, mutually agreed on

and promulgated, so as to be read and known by all men?

3. If it is necessary to have such a code of laws, it is no less necessary to have an independent body of men, authorized and commissioned to interpret those laws, instead of leaving every state to make that interpretation which suits its own interest.

4. It would be a great advantage to the world, to have a respectable body of men to act as conservators of the peace of nations, whose office it should be, when they saw a war brewing between any two nations, to offer their mediation, and propose terms of compromise. Often a nation, like an individual, goes to war for honor, when she would be very glad to refrain, were it not from fear that her courage or her power would be suspected. In such cases, a mediator, like the Court of Nations, would generally keep the peace of nations.

5. Submission of international disputes to a Court of Nations would relieve the people of most nations of seven-eighths of their taxes. It is computed that 750,000,000 of dollars are annually drawn from the pockets of the people of Europe, for the purposes of keeping up war-establishments in time of peace; nearly all of which could be spared, and either left for the increased enjoyments of all classes of community, or expended in internal improvements, or in common schools, academies and colleges. If the governments of Europe would adopt the measure of a simultaneous disarmament, they might do it without fear, and spend the sums, now lavished on armies, in increasing the

comforts and education of the poor, for then, they would have no occasion for standing armies to keep the people in subjection; and the wealth so expended would soon be returned to government, with interest, from the increased ability of their subjects to pay taxes, and the increased ability of all classes of the people to purchase the luxuries of life, which might still be sufficiently taxed, while the necessaries of life might be left free from taxation.

6. The saving of money, now lavished in supporting stupendous naval and military establishments, would be of small consideration, when compared with the saving of human life, by a pacific policy. It is supposed that the average life of a soldier in war does not exceed three years. The celebrated Neckar calculated, that one third of new recruits perished the first year by the hardships of a military life. Of the victims of war, probably not one in ten ever feels the stroke of an enemy. Who can tell the amount of physical suffering endured in war, when the most civilized nations of the world bend all their ingenuity, arts, and knowledge to the single purpose of inflicting the greatest possible amount of suffering on one another?

7. But the physical evils and pains of war are "trifles light as air," when compared with its moral evils, and the contamination of the fleet and the camp, "where," as Dr. Doddridge says, in his Life of Colonel Gardiner, "the temptations are so many, and the prevalence of the vicious character so great, that it may seem no inconsiderable praise and felicity, to be

free from dissolute vice; and the few who do escape, should be recorded heroes indeed, and highly favored of Heaven." The celebrated Robert Hall, in a sermon against war, says, "It is the fruitful parent of crimes. It reverses, with respect to its object, all the rules of morality. It is nothing less than a temporary repeal of all the principles of virtue. It is a system out of which almost all the virtues are excluded; and in which nearly all the vices are incorporated." Now if a Court of Nations should prevent but one war in a whole century, all the trouble and expense of organizing such a Court would be amply repaid.

CHAPTER XIII.

MEANS TO BE USED FOR THE PURPOSE OF OBTAINING A CONGRESS OF NATIONS.

1. The same means as are used in other moral enterprises—2. Miseries, crimes, and sins of war exposed—3. Enlighten the people.

1. THE means of hastening "a consummation so devoutly to be wished," as the organization of a Congress and Court of Nations, are much the same as those which have been used, to further other benevolent operations of the day. When Sharpe, Wilberforce and Clarkson attempted the great reformation which they so successfully accomplished, they began with exposing the horrors and crimes of the slave trade. Persons were employed to collect facts, and lay them before the public in popular lectures. The press was engaged in showing the cruelty and injustice of the traffic, by tracts and newspaper essays; and the pulpit thundered its anathemas against it. By the united attacks of this triple alliance, the strongholds of the slave trade were demolished; and nations which had before sanctioned it, now pronounced it piracy.

2. Let the same be done in the cause of Peace. Let the miseries, the crimes, the sins of war be detected, and vividly portrayed before the power that rules the nation. In republican governments and

limited monarchies, this power lies in the people. It is vain to expect, that governments will be moved, until the people are — for, in representative governments, all reforms must necessarily commence with the people. In countries where the power lies in a monarch, he must be addressed, on the subject; for, in such governments, it is the monarch who chiefly gives the tone to public opinion, though he himself is often under its influence. All monarchs love to be popular at home and abroad. Like other men, they love praise, or glory, as they call it, and will fight for it, so long as fighting insures them the applause of the world. The same men would pursue a pacific policy, if it were more popular; and we have reason to hope, that there are even some who would do so, if it were not popular. Henry IV, though a monarch almost absolute, devised a plan, the professed object of which was nearly the same as ours, though the means of its accomplishment, and the manner in which it was to be conducted, were very different from ours. He was seconded by Elizabeth, queen of England, whose power was limited by a parliament, of which a part was elected by the people and a part was an hereditary aristocracy; and by Switzerland and other confederated republics. The form of government was no obstacle to the "great proposal," nor would it be to our Congress of Nations.

3. Though we indulge high expectations from such monarchs as the present king of Prussia, who has shown himself to be, in many things, far in advance of the spirit of the age, yet our hope relies

chiefly on the United States, Great Britain, and France; pretty much in proportion to the voice which the people have in the government. The first step, then, is to enlighten the *people*, as has been done in the State of Massachusetts; and they will call on their State Legislatures with success, as they have done in that State, and as they have done in Maine and Vermont, but the people being less enlightened on the subject, in these two States, the cause has not yet met with similar success there. The people need more light. When a majority of the State Legislatures shall call on the general government, in as decided a tone as Massachusetts has done, Congress will fall in with the plan, for it will be popular. Our government will then call on the government of Great Britain, where light has been spreading; and the British government will yield to the solicitation of its own subjects, and our Executive; and both together will call on France. If no more than these three powers are gained, the cause is ours; and the Congress of Nations may go into immediate operation; and when the delegates of these three powers are assembled, they may extend their invitation to the other powers of Christendom. Switzerland, where much has already been done on the subject, would soon join, and the South American republics, as soon as they have consolidated their governments. The confederations of Germany, with Belgium, Holland, Denmark, and Sweden, would not be backward, as soon as they saw that the plan was likely to succeed. The philanthropic and enlightened king of Prussia

would not be far behind them; and Russia and Austria would not see such great movements going on, without taking a part; but they would go on, whether these powers took a part in them or not. Spain, Portugal, and Italy would come at last; and it would be no wonder, if this generation should not pass away before the Grand Sultan and the Bey of Egypt will submit their disputes to a Court of Nations. The storm of war would soon be hushed in Christendom, and that main obstacle to the conversion of the heathen being removed, Christianity would soon spread all over the world.

CHAPTER XIV.

ON THE DUTY OF ALL MEN, BOTH RULERS AND SUBJECTS, TO ENDEAVOR TO OBTAIN A CONGRESS OF NATIONS.

1. Nations have no moral right to declare war, until they have exhausted all the means of preserving peace—2. The physical evils of war should be prevented—3. Also the moral evils—4. Neglect of duty.

1. It is a generally acknowledged principle, that nations have no moral right to go to war, until they have tried to preserve peace by every lawful and honorable means. This, the strongest advocate for war, in these enlightened days, will not deny, whatever might have been the opinion of mankind, on the subject, in darker ages. When a nation has received an injury, if it be of such a magnitude as, in the opinion of the injured party, ought not to be submitted to; the first thing to be done is to seek an explanation from the injuring nation; and it will be often found, that the injury was unintentional, or that it originated in misapprehension and mistake, or that there is no real ground of offence. Even where the ground of offence is undeniable, and, in the opinion of the world, the injured nation has a *right* to declare war, it is now generally believed, that they are not so likely to obtain redress and reparation by war as by forbearance and negotiation; and that it is their bounden

duty, both to themselves and to the world at large, to exhaust every means of negotiation, before they plunge themselves and other nations into the horrors and crimes of war. The United States had much ground of complaint against Great Britain, during Washington's administration. Instead of declaring war, Jay was sent to England, and full and complete satisfaction was obtained for all the injuries received, by the influence of moral power alone, for we had not then a single ship of war on the ocean. At a subsequent period, with twice the population, and twenty times the means of offence, impatient of a protracted negotiation, we resorted to war, and got no reparation of injuries, or satisfaction whatever, except revenge, bought at an enormous expense of men and money, and made peace, leaving every cause of complaint in the *statu quo ante bellum.* Had we protracted the negotiation thirty days longer, the war and all its evils, physical and moral, would have been avoided. Sometimes negotiations have failed altogether to obtain redress. Then an offer of arbitration should follow. Now what we are seeking for is, a regular system of arbitration, and the organization of a board of arbitrators, composed of the most able civilians in the world, acting on well-known principles, established and promulgated by a Congress of Nations. If there were such a Court, no civilized nation could refuse to leave a subject of international dispute to its adjudication. Nations have tried war long enough. It has never settled any principle, and generally leaves

dissensions worse than it found them. It is, therefore, high time for the Christian world to seek a more rational, cheap, and equitable mode of settling international difficulties.

2. When we consider the horrible calamities which war has caused, the millions of lives it has cost, and the unutterable anguish which it produces, not only on the battle-field and in the military hospital, but in the social circle and the retired closet of the widow and orphan, we have reason to conclude, that the inquisition, the slave trade, slavery, and intemperance, all put together, have not caused half so much grief and anguish to mankind as war. It is the duty, therefore, of every *philanthropist*, and every *statesman*, to do what they can to support a measure which will probably prevent many a bloody war, even if the probability were but a faint one.

3. When we consider that war is the hotbed of every crime, and that it is the principal obstacle to the conversion of the heathen, and that it sends millions unprepared suddenly into eternity, every *Christian* ought to do all he can to prevent the evil in every way in his power, not only by declaiming against war, and showing its sin and folly, but by assisting to bring forward a plan which is calculated to lessen the horrors and frequency of war. Should all the endeavors of every philanthropist, statesman and Christian in the world be successful in preventing only one war, it would be a rich reward for their labor. If only once in a century, two nations should

be persuaded to leave their disputes to a Court of Nations, and thereby one war be avoided, all the expense of maintaining such a court would be repaid with interest.

4. We therefore conclude, that every man, whether his station be public or private, who refuses to lend his aid in bringing forward this plan of a Congress and Court of Nations, neglects his duty to his country, to the world, and to God, and does not act consistently with the character of a statesman, philanthropist, or Christian.

CHAPTER XV.

RECAPITULATION AND CONCLUSION.

PART I. 1. Division of the subject—2. Organization of a Congress of Nations—3. Subjects to be discussed—4. Rights of belligerents—5. Rights of Neutrals—6. Objects of a civil nature—PART II. 1. Of a Court of Nations—2. Examples of attempts at similar institutions—3. Attempts of individuals and peace societies—PART III. 1. Objections met—2. Reasons of hope—3. Benefits to be derived—4. Means to be used—5. Duty enjoined—PART IV. 1. Conclusion and appeal.

I find I have, without any previous design, divided my subject into the four following distinct parts:

I. 1st. I have shown what our object is. In this I have differed from the preceding authors, and, also, from my own previous writings on this subject, by dividing it into two distinct branches, viz., 1st. A Congress of Nations for the establishment of a *code of international laws* and other purposes promoting the peace and happiness of mankind; and, 2d, a Court of Nations entirely distinct from the Congress, though organized by it, for the purpose of *arbitrating* or *adjudicating* all disputes referred to it by the mutual consent of two or more contending nations. The first I would call the legislative, the second the judiciary power, entirely distinct from it — the first periodical, the other perpetual. For the executive we trust to public opinion. 2d. I have treated of the

organization of the Congress of Nations, composed of delegates from such powers as should choose to be represented there, each delegation to be as numerous as the nation sending it should choose, but entitled to only one voice or vote; and the reception of new members is provided for. 3d. I have mentioned some of the subjects to be discussed, such as the rights of belligerents toward each other, and the possibility of lessening the physical evils of war. 4th. I have treated of the rights of belligerents toward neutrals, which should be clearly defined; and, 5th, the rights of neutrals established and enlarged. 6th. I have also touched on some principles of a civil nature, which might be settled by this Congress of Nations.

II. 1st. I have, secondly, given my views of a Court of Nations organized by the Congress, for the peaceful adjudication of such international disputes as should be referred to it by the mutual consent of any two or more contending nations; and, 2d, I have given some examples, taken from both ancient and modern history, of institutions somewhat similar to a Congress and Court of Nations, among which, I dwelt particularly on the Congress of Panama, and showed the reasons of its failure — reasons not likely to occur again; and, 3d, I have given an account of some of the attempts of private individuals and peace societies to call the attention of mankind to this subject.

III. 1st. I have also stated the common objections which are raised against a Congress or Court of Nations, and have endeavored to answer them; and

have, 2d, stated some of the reasons which we have to hope that this plan will, at no distant day, be carried into effect; and, 3d, have endeavored to show a few of the benefits which would accrue from it. 4th. I have shown the means by which this great work may be accomplished; and, 5th, produced a few of the arguments, to show that it is the duty of every man to do all he can, to assist in bringing it forward.

IV. In conclusion, I would only remark, that if we have done no other good, by procuring and publishing these Essays, we have set up a landmark, for the guidance of those who may succeed us. When the American Peace Society first entered on this work, there were only two Essays in the whole world on the subject, viz., Penn's and St. Pierre's, both very meagre, crude and undigested. Beside these, we had only what could be gathered from Sully's account of the Great Scheme of Henry IV. Now within these ten years, there have been about fifty dissertations written, many lectures delivered, and petitions presented to State legislatures, and resolutions, favorable to the plan, passed. Petitions have also been presented to the American congress, with a report on them widely circulated, and a petition to the British parliament; and the subject has been much discussed, both in public and private, and there has been evidently a great advance in public opinion, in favor of the plan, which needs only to be fully and extensively understood to insure its adoption by all the enlightened nations of Christendom; which adoption will insure

the extension of Christendom to the earth's remotest bounds. Finally, to adopt the language of St. Pierre, at the close of his Dissertation, "We cannot, indeed, take upon us to say that the sovereigns of Europe [and the republics of America] will actually adopt our plan, but we can safely say, that they would adopt it, if they only knew their own true interests; for it should be observed, that we have not supposed men to be such as they ought to be, good, generous, and disinterested, and public spirited, from motives of humanity; but, on the contrary, such as they really are, unjust, avaricious, and more solicitous for their private interest, than for the public good. The only supposition which we have made is, that mankind have sense enough, in general, to know what is useful to them, and fortitude enough to embrace the means of their own happiness. Should our plan, nevertheless, fail of being put into execution, it will not be because it is chimerical, but because the world is absurd; and there is a kind of absurdity in being wise among fools."

APPENDIX.

No. 1.

Extracts from the "Speech of Don Manuel Lorenzo Vidaurre, Minister from Peru, at the opening of the American Congress of Panama, on the 22d of June, 1826."

This day, the great American Congress, which is to be a council in the hour of conflict, the faithful interpreter of treaties, a mediator in domestic contentions, and which is charged with the formation of our new body of international law, has been organized and invested with all the powers competent to attain the important and dignified end for which it is convoked. All the precious materials are prepared to our hand. A world regards our labors with the deepest attention. From the most powerful monarch, to the humblest peasant of the Southern continent, no one views our task with indifference. This will be the last opportunity for the attempt to prove that man can be happy. Let us, then, proudly stand forth the representatives of millions of freemen, and, inspired with a noble complacency, assimilate ourselves to the Creator himself, when he first gave laws to the universe.

Animated with celestial fire, and looking steadily and with reverence to the Author of our being, *difficulties the most appalling shrink into insignificance.* The basis of our confederation is firm: *Peace with the whole world;* respect for European governments, even where their political principles are diametrically opposed to those acknowledged in America; *free commerce* with all nations, and a diminution of imposts on the trade of such as have acknowledged our independence; *religious toleration* for such as observe different rites from those established by

our constitution. How emphatically are we taught by the blood which fanaticism has spilt, from the time of the Jews to the commencement of the present century, to be compassionate and tolerant to all who travel to the same point by different paths. Let the stranger, of whatever mode or faith, come hither; he shall be protected and respected, unless his morals, the true standard of religion, be opposed to the system given us by the Messiah. Let him come and instruct us in agriculture and the arts. Let the sad and abject countenance of the poor African, bending under the chains of rapacity and oppression, no longer be seen in these climes; let him be endowed with equal privileges with the white man, whose color he has been taught to regard as a badge of superiority; let him, in learning that he is not distinct from other men, learn to become a rational being.

As respects ourselves, two dangers are principally to be avoided. The desire of aggrandizement in one state at the expense of another, and the possibility that some ambitious individual will aspire to enslave and tyrannize over his fellow-citizens. Both of these are as much to be apprehended, as the weak efforts of the Spaniards are to be contemned. Human passions will always operate, and can never be extinguished; nor, indeed, should we wish to stifle them. Man is always aspiring, and never content with present possessions; he has always been iniquitous, and can we at once inspire him with a love of justice? *I trust we can.* He has had a dire experience of the ravages which uncontrolled passion has caused.

Sully and Henry IV projected a tribunal which should save Europe from the first of these calamities. In our own day, Gordon has written a treatise on the same subject. This assembly realizes the laudable views of the king and the philosopher. *Let us avoid war, by a common and uniform reference to negotiation.*

Above all, let us form one family, and forget the names of our respective countries in the more general denomination of brothers; let us trade without restrictions,—without prohibition,—let articles of American growth be free from duty in all our ports—let us give each other continual proofs of confidence, disinterestedness and true friendship; let us form a body of public law, which the civilized world may admire; in it, a wrong to one state shall be regarded as an injury to all, as in a well-regulated community, injustice to an individual concerns the rest of the republic. Let us solve the problem as to the best of governments. The form which we adopt, securing to individuals all possible benefit, and to the nation the greatest advantages, is that which, beyond doubt, reaches the greatest felicity of which human nature is susceptible, the highest perfection of human institutions.

And when our labors are concluded, let us return to our homes, and, surrounded by our children and grandchildren, let us select the youngest of those beloved objects, and uplifting it, a fit offering to the Supreme Being, teach it in tender accents to give thanks for the inestimable benefits we have received. Let the Greek celebrate his exploits in leaving Troy in ashes; the representative of the American Republics will boast of having promulgated laws, which secure peace abroad as well as the internal tranquillity of the states that now confederate.

No. 2.

First Petition to the Legislature of Massachusetts.

The following Petition was presented to the Senate of Massachusetts, by the Hon. Sidney Willard, February 6, 1835:

To the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court convened, on the first Wednesday of January, A. D., 1835.

The Petition of the subscribers humbly shows: that, a proposition having been laid before a very large and respectable portion of the community, in relation to a reference by the Peace Societies to the attention of Congress on the subject of an Abolition of War, by devising suitable means for the references of all international disputes to a Court of Nations, to be established either permanently or otherwise, in such form and manner as the best counsel and wisdom of the several nations may hereafter deem proper to adopt; which proposition, it appears, had received the countenance, and the signatures in its favor, of several thousand individuals, in this and other States, among whom are many of our fellow-citizens of eminent rank, talent, and character, those also of all classes and professions in the community, of all political parties, and of every religious denomination: the subscribers, deeply impressed with a consideration of the burdensome expense, the moral corruption, the manifold crimes, the private suffering, and the public calamities incurred by war; considering it inconsistent with the spirit of Christianity, injurious to the physical, moral, social, and religious condition of the community, productive of immense evils, and subversive, in many respects, of the best interests of mankind; lamenting the insensibility which habit and education have induced with respect to this custom; believing the decision of international disputes on principles of equity, without an appeal to arms, to be

dictated by enlightened reason, demanded by Christian duty, commended by every consideration of self-interest, and, therefore, loudly called for by the voice of wisdom; and seeing the steps now taking by eminent philanthropists, statesmen, and others, in Great Britain, and on the continent of Europe, to cooperate with the citizens of the United States, in relation to such measures as may be deemed expedient and practicable, to procure its abolition; wishing to awaken, yet more widely and effectually, the attention of the public to its baneful influence on the agricultural, the commercial, and the manufacturing interests, and on the progress of civilization, arts, sciences, and religion; desirous of investigating the means best adapted for the promotion of permanent and universal peace, and of establishing the conviction that the highest dignity of a people results from the exercise of impartial justice towards all nations, and that the highest happiness of a community can be attained only by cherishing the spirit and virtues of peace; in a word, considering it of the utmost importance to the best interests of humanity, civilization, and improvement, that some mode of just arbitration should be established for the amicable and final adjustment of all international disputes, instead of an appeal to arms, request the attention of your honorable body to this, as we deem, highly important subject, in order that such steps may be taken in relation thereto, as may appear best adapted to promote the end in view.

THOMAS THOMPSON, JR.,
WM. LADD, *Gen. Agent of A. P. S.*

No. 3.

Report on the foregoing Petition.

Commonwealth of Massachusetts.

The Committee of the Senate, to whom was referred the Petition of Thomas Thompson, Jr., and Wm. Ladd, General Agent of the American Peace Society, REPORT:

That they have considered said petition, which sets forth that several thousand persons in this Commonwealth and other States, have signed a proposition calling on the peace societies, at a suitable time, to present petitions to Congress, praying that measures may be taken, in connection with other governments, to refer all international disputes to a Court of Nations, with a view to prevent a resort to war, for the

obtaining of alleged rights, or the reparation of injuries. The petitioners enumerate several of the prominent evils of war, evils which can hardly be exaggerated, and request the attention of the General Court to the subject, "in order that such steps may be taken in relation thereto as may appear best adapted to promote the end in view."

The Committee, during the interval which has elapsed since the petition was referred to them, have taken a deep interest in the subject of it; but they have felt embarrassed by that diffidence which lays its restraints upon all men who are not marked out by their constitutional temperament for reformers, and who are placed in such a novel situation, when,—from the humble beginnings of small associations, scattered in different territories of the civilized parts of the earth, toiling and praying for the peace of nations,—they have looked forward to the glorious consummation devoutly wished, and confidently expected, at some period of the world's eventful history.

The Committee are fully persuaded that pacific principles are gaining ground. Mankind are more and more convinced, that wars are generally waged, not only without necessity, but even in defiance of wisdom and humanity. They are more and more inclined to believe that something founded in the pride, or ambition, or deep-laid policy of rulers, is commonly the great stake, rather than the interests of their subjects. And finding that the objects held out as pretexts for hostilities are rarely, if ever, accomplished, or, if gained, at a sacrifice with which the amount of the benefit sinks to nothing in comparison; just views of the interests of man are leading the more intelligent to count the cost of these great games of princes and statesmen, which are played at infinite expense,—expense not only of individual and national wealth, but of domestic happiness and of public morals,—and above all, expense of human life, the value of which is not a subject for computation.

It is thought by the Committee, that the appointment of some umpire, either temporary or permanent, by which disputes between nations may be decided, is by no means a visionary project. Such an umpire can certainly be designated, whenever public opinion, in civilized nations, shall be sufficiently enlightened to sanction it. It is already embraced in the views of our extending peace societies, in the discussions and lectures of our lyceums, in the debates of our academic halls; and it is believed that the Legislature of this Commonwealth would not go far in advance of public opinion, by some declarative act favorable to this pacific mode of terminating the controversies of nations. Such a declaration would at least be harmless; and no man of high moral feeling or moral courage can hesitate how to act, when the alternative presented is, on the one hand, the possibility of accomplishing an

incalculable public good, and on the other, nothing but the danger of encountering the chilling incredulity or heartless raillery of those who do not know how to appreciate his motives.

If we may reason from the less to the greater, from plans well known, and already tried with success, to those which have not been attempted on a more comprehensive system, and which may prove more complex in their operations, such an umpire as has been suggested is not impracticable. It is no novelty in a limited sphere. It is as old as the Amphictyonic Council, which came, in its progress, to embrace deputies from thirty-one cities or states; a council whose decisions upon the disputes between the cities of Greece were for a time sacredly and inviolably regarded. And, in modern times, the Swiss cantons, with their variety of nations and languages, of manners, of religion, especially of the two great antagonist divisions, Catholic and Protestant, and of governments, too, from unmixed democracy to stern aristocracy, have, by their Diet, or Court of Ambassadors, preserved among the members of the confederacy that uniform peace and resistance to foreign aggression, for which the union of those two and twenty independent states was formed.

If a public attempt is ever to be made to bring war into discredit, and to devise some amicable mode of settling disputes between nations, it may be well now for some public body to feel the way. And no where can this beginning be more suitable than in Massachusetts. It is in this Commonwealth, if we except the Friends or Quakers, that the earliest and most unintermitted efforts have been made to diffuse the principles of universal peace. The Massachusetts Peace Society is looking to us for encouragement. The trustees, in their recent report, after alluding to the motion made last year in the Legislature, recommending a Court of Nations for the securing permanent peace, add, "Should the measure be renewed at the present session, and meet with success, we shall hail it as a most felicitous and honorable event." It is a small boon that they ask at our hands. They assume the labor; they entreat from us, who cannot but have the same noble purpose at heart, to speak an approving word. They will be satisfied with a simple declaration, such as the Committee are about to propose; such, as it is presumed, will not be withheld.

If we are asked what effects are to flow from this measure, we answer, It will show the people of this Commonwealth, that when solicited to express an opinion upon a great national subject of vital concern, a subject which can excite no conflict of party passions, we do not turn a deaf ear to the call; that we do not maintain a heartless silence, but return a kind and generous response to the voice of those

noble philanthropists who would save mankind from evils, into which those in times gone by have rushed headlong, and which they have been obliged to rue when it was too late to escape them.

We may hope that an example so inoffensive, so reasonable, so well intended, aiming at the highest interests of humanity, "Peace on earth and good-will to men," will not be overlooked; that it will be followed by other States, and when, in this way, a wider influence shall be produced upon public opinion, may it not be hoped that the object will be recommended with such power to the general government, as to lead to salutary action, resulting through its negotiations with other powers, in more benevolent and well-defined principles of international law, tending to cut off many of the occasions of national conflicts, and, if not to put a final period to wars, at least to disarm them of some of their horrors? With this brief and very imperfect view of the subject, the Committee unanimously recommend the following resolutions for the adoption of the Legislature.

SIDNEY WILLARD,
DANIEL MESSINGER,
EPHRAIM HASTINGS, } *Committee.*

Commonwealth of Massachusetts.

In the year of our Lord one thousand eight hundred and thirty-five.

Resolved, That in the opinion of this Legislature, some mode should be established for the amicable and final adjustment of all international disputes, instead of resort to war.

Resolved, That the Governor of this Commonwealth be requested to communicate a copy of the above report and of the resolutions annexed, to the Executive of each of the States, to be laid before the Legislature thereof, inviting a cooperation for the advancement of the object in view.

No. 4.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court convened on the first Wednesday of January, A. D., 1837.

The memorial of the undersigned humbly shows,—That a proposition having been by him, sometime since, suggested in favor of calling the attention of Congress or inviting that of the head of the Executive

Government of the Union, in concert with such other governments as may see fit to unite in counsel with the United States, for the establishment of a Congress or Court of Nations, either permanent or otherwise, in such form and manner as the best counsel and wisdom of the several nations may deem proper to adopt, or for considering such measures as may be deemed most suitable for devising, if possible, and introducing as far as may be practicable, some other system of arbitration for the settlement of international disputes, which shall be more congenial with the intellectual, moral, and religious, as well as the physical advancement of the age, than an appeal to arms, a custom now beginning to be very generally considered by the enlightened of all civilized, and more especially all Christian communities, as a relic of barbarism, and as always uncertain and wholly inadequate to the speedy, just, and full redress of grievances; which proposition has received the countenance and the signatures, in its favor, of a great number of individuals eminent in rank, talent, and character, both in this and other States, and also those of all classes and professions, of different political parties, and of every religious denomination: believing a state of society has developed itself in the United States, and also in some of the more enlightened and republican nations of Europe, of the existence of which the governments of the respective countries have not, by any acts in conformity thereto, appeared to be aware, and for which no adequate preparation, nor any appropriate change in the existing state of things has yet been made; a state of society by which, it appears to your memorialist, the present age is strongly marked, and whose features distinguish it most clearly and prominently from all preceding times; a state of society in which national wealth is no longer obtained by conquest, the precarious acquisition of some bold, restless and ambitious military chieftain, but by the private, individual exertion of the intelligence, industry and activity of the citizens at large, in the pursuit of their several peaceful professions and occupations; a state of society which, differing so widely and so totally in all its ways and all its wants from that preceding it, cannot be adequately fostered, provided for and protected by those institutions and laws which were instituted and enacted for the regulation, government, and well-being of communities, so widely differing in circumstances and resources, where might constitutes the only effective right, where stealth was countenanced by law, when the sword occupied the place of the batoon, and the strong arm was the only avenger: seeing in the present state of things a change so marked, and indeed so radical and apparently so permanent a revolution, requiring at least some modification of those rules and regulations which were enacted with not the

most remote anticipation of the now existing actual condition of a very large and continually increasing portion of society, a community embracing the farmer, the manufacturer, the merchant, the mechanic, the trader, not to name more particularly the various liberal professions and many other minor classes of citizens, all peacefully, privately, actively, and usefully engaged in those various individual employments which tend so directly and so effectually to promote, establish and extend that highly cultivated and refined state of civilization, so powerfully promotive of the useful arts and sciences and all the higher interests of man, and whose development can only be effectually attained where man is in the enjoyment of perfect freedom, equal rights, and peace: considering the many deep-rooted, and wide-spread evils of war, its invariably adverse bearing on the best interests of mankind, undermining the physical, moral, social and religious condition of the community, imposing the most burdensome expense, introducing the darkest crimes, extending the deepest corruption, creating the keenest individual suffering, social miseries, and public calamities: perceiving the growing disinclination to all acts of brutal violence, the enlightened opposition already made by associated individuals, incorporated public bodies, and various legislative and executive authorities, not only in the United States but also in many parts of Europe, to the outbreaking of popular violence, the sanguinary indulgence of private passion, and even the inexpedient secret arming of individuals for the real or declared purpose of self-defence, and remarking, also, the highly honorable attitude assumed by the public press in various parts of this and other countries in favor of peace: regretting, and desirous, if possible, to remove, the widely prevailing insensibility to the futility, inexpediency, and folly of war, an insensibility induced only by the combined effect of erroneous principles of instruction, long prevalent custom and utter want of due reflection: believing the introduction of some system for the equitable settlement of international disputes, without an appeal to arms, when once sanctioned by the popular favor, to be perfectly practicable, as much so as any at present in existence, for the legal decision of disputes between individuals, incorporated bodies, towns, districts and states; and, being thus practicable, to be demanded by the voice of common humanity, by the dictates of enlightened reason, by the obligations of Christian duty, by the prompting of self-interest and by considerations of public good: being informed of the inclination and exertions of many distinguished philanthropists, scholars, statesmen and others in Great Britain and on the continent of Europe, to cooperate with the friends of peace in the United States for the adoption of such measures as may appear to be most expedient and

practicable for the introduction of some system of arbitration instead of an appeal to arms: desirous of calling the attention of the public, and of our several state and general governments, more immediately and effectually to this subject, in order, from a consideration of the baneful influence of war on the agricultural, commercial, manufacturing and various mechanic interests, on the progress of civilization, arts, sciences and religion, the extensive acquisition of national wealth, and the secure enjoyment of the fruits of private industry, to extend and strengthen a conviction, that the highest dignity of a people results from the exercise of impartial justice towards all nations; and the highest happiness of a community can be attained only by cherishing the spirit and virtues of peace: thus proving it to be of the utmost importance to the best interests of civilization, freedom, human improvement, and the refinements of social life, to establish some mode of just arbitration, for the amicable and final adjustment of all international disputes, instead of an appeal to arms: Your memorialist requests the attention of your honorable body to this, as he deems it, and as he has reason to believe, the great body of the people, not only of this State and the other members of our confederacy, but those of other countries, also, think it to be, highly important subject, in order that such steps may be taken in relation thereto as may appear to be best adapted to promote the end in view.

THOMAS THOMPSON, JR.

House of Representatives, Feb. 18, 1837.—Referred to the special committee on the subject thereof sent up for concurrence.

L. S. CUSHING, *Clerk.*

Senate, Feb. 20, 1837.—Concurred.

CHARLES CALHOUN, *Clerk.*

No. 5.

Petition of the Executive Committee of the Massachusetts Peace Society.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:—The memorial of the undersigned, members of the Executive Committee of the Massachusetts Peace Society, respectfully shows:

That the Society which we represent has existed for upwards of twenty years, and has comprised a considerable number of the citizens

of this Commonwealth, some of whom have been distinguished for elevated stations in the community, for talent, benevolence and respectability of character, who have associated themselves together with the design of abolishing, by moral means, one of the greatest evils of the human race—the practice of national war. They have been encouraged in the promotion of this design, by the full belief that war does not occur from any natural, or irresistible necessity, but entirely from the excited passions, mistaken interests, and deep delusions of nations, and may therefore be prevented by moral influence and exposition judiciously applied so as to enlighten the reason and consciences of men. In these sentiments, and corresponding conduct, they have received the full concurrence of other similar institutions in the United States and foreign countries.

Among the various measures which have been proposed for checking the spirit and practice of war, a prominent place has been given to the idea of an international Congress or Court, composed of delegates from all the civilized foreign powers, which should consider and determine the disputed questions arising between them, in cases which have hitherto been supposed to require an appeal to arms, and the award of which should be considered as binding, in honor, on the disputing parties. This project has occupied the attention of our Society for a long time, and a proposition, comprising it, has been extensively presented to individuals of all ranks and classes in this State, by whom it has been almost unanimously and readily accepted. It was our intention to have submitted this proposition, and our views upon it, to the government of the United States, but having recently learned, that your honorable bodies have referred this subject to a joint committee, we have thought that an expression of the associated friends of peace was peculiarly proper, while it was thus under consideration. A meeting of the Massachusetts Peace Society has accordingly been held, and we, their Executive Committee, have been directed, in their name, and on their behalf, to offer to you their views and desires on this subject.

In the execution of this trust, your memorialists deem it unnecessary to lay before you any demonstration of the immorality and the misery of war, to which all history bears ample testimony, and of which you doubtless are fully aware, and we feel confident we shall address none, who do not sincerely desire its extinction. It is only incumbent on us, to present to you the views of our Society on the practicability and efficacy of the measure now proposed for that purpose. We are enjoined to request of your honorable houses, that if it seems meet to you, some expression of opinion may be made by you, which may be

communicated to the President of United States conveying the desire that he would open a negotiation with other foreign powers, for the purpose of establishing, by their general consent, some such impartial tribunal, for the adjustment of international differences, as we have suggested.

On the practicability of such an arrangement, your memorialists would remark, that it has been fully discussed in the assemblies and publications of the friends of peace, and has been very generally determined in the affirmative, by all who have treated it, including many minds by no means disposed to be sanguine or visionary. To this we may add, that rational governments have also indicated their approbation of the principle of this course, by submission of disputes to other governments as impartial arbiters—a measure to which our own government has more than once resorted.

It may be objected to the object of our solicitation, that it would not be proper for the legislature of this or any other State to make any recommendation on a subject of foreign polity, which is considered as belonging exclusively to the government of the United States. On this point, your own wisdom will decide, and it does not become us to offer any opinion; we may, however, be pardoned for the remark, that we cannot think such an application, coming in a spirit of philanthropy from so respected and influential a member of the Union, would be regarded as improper interference with the prerogatives of the general government; nor should we consider the negotiation which it proposes hopeless of a favorable result, in the present political state of the world, proceeding from a nation whose form of government and remoteness from the collisions of other great powers would preclude all suspicion of sinister motives.

To this—our beloved country—we earnestly desire the honor of offering to the world this truly rational policy, which a more enlightened posterity will elevate far above the renown of violent revolutions and extensive conquests, and to our own Commonwealth, to which has been awarded the merited reputation of advance in many works of Christian benevolence, we would hope to add the imperishable glory of first pointing out the merciful refuge of peace.

Respectfully submitted by direction of the Massachusetts Peace Society.

Charles Lowell,	Thos. Vose,
Robert Waterston,	J. P. Blanchard,
Baron Stow,	Wm. Brigham,
J. V. Himes,	Bradford Sumner.

No. 6.

Report on the foregoing Petitions.

Commonwealth of Massachusetts.

In Senate, April 4, 1837.

The Joint Special Committee, to whom was referred an Order of the 15th ultimo, for the consideration of the expediency of memorializing Congress, or the Executive of the United States, on the subject of opening a negotiation with such other governments as may be deemed most judicious, with a view of establishing a Congress or Court of Nations, to be either permanent or otherwise, for considering such measures as may be deemed most suitable for devising and introducing some other system, more congenial with the moral and religious, as well as physical advancement of the age, than an appeal to arms, for a redress of national grievances; and to whom, also, was referred the Memorials of Thomas Thompson, Jr. and the Executive Committee of the Massachusetts Peace Society, in reference to this subject, REPORT:

That they have had the subject under consideration; and, after giving it that attention its merits appear to deserve, have become deeply impressed with a full conviction of the highly beneficial results which may be attained by the prosecution of such measures as are now in contemplation; and freely express their impression, that the proposition, set forth in the order and memorials referred to the Committee, is neither visionary in theory, unimportant in character, nor unattainable in result; but, on the contrary, appears to this Committee to be well deserving the countenance and cordial support of every friend to the stability of the social compact, the increase of national wealth, the advancement of civilization, the promotion of the arts and sciences, the extension of freedom, the security of constitutional government, the improvement of public morals, the extension of the Christian faith, and thus to the general welfare of mankind.

In arriving at this result, your Committee have gone over a wide field of observation and inquiry.

The proposition now under consideration, however novel it may appear to many, has been, for six years past, a subject of interest, attention and discussion in this community.

It appears, from well authenticated facts, and many printed and written documents, presented by the memorialists to the Committee, that there has been a very wide and full expression of sentiment from

all classes of the community, without distinction of party, sect or profession, in favor of the measures now in contemplation in reference to a Congress or Court of Nations, for the amicable adjustment of international disputes. Among those who have given their signatures in favor of the proposition, your Committee find the names of a great number of individuals of the highest rank in regard to social, intellectual, moral, political, and religious attainment. Among them are some of those who have filled the highest executive and judicial offices of this Commonwealth and of other States, many of the most eminent of our counsellors and statesmen; and the clergy, the most intelligent merchants, manufacturers, mechanics, and farmers, also masters of vessels appear to have come forward in bodies to enrol their names in favor of this cause. In our colleges, academies, and public and private schools, its reception appears to have been equally favorable; presidents, professors, tutors, instructers, and the students of the higher classes uniting in its support; in furtherance of which, it appears, peace societies have recently been formed by the associated instructers and students at many of our colleges and literary institutions; and orations and other exercises on this topic have been assigned at commencement and on other occasions; and, in some cases, prizes are statedly assigned and medals are awarded for the best dissertations and poems on the subject of peace, and of arbitration as a substitute for an appeal to arms. Very many and strongly expressed resolves have been passed with perfect unanimity in a number of ecclesiastical and lay conventions, associations, conferences, and other meetings. Indeed, so very favorably has this cause been received by the community at large, it appears that there are about a thousand clergymen in the New England, Middle, Western and Southern States, who have given their names pledging themselves to preach at least one sermon every year on this subject; and it is introduced in lyceum lectures and discussions, and made an object of attention in Bible classes, and in the course of instruction in Sabbath schools. Many of the most popular and talented authors have proffered their services in the promotion of this cause; and Sabbath school books, and books for other schools and academies, and some works of a still higher class, having reference to its promotion, have been published, as is shown by the memorialists, not only in several of the New England States, but also at the South, in London, Switzerland, and elsewhere. It appears, further, from facts and documents presented to your Committee by the memorialists, an extensive correspondence on this subject has been carried on, for some time past, between societies and individuals in various parts of the United States, Great Britain, France, Switzerland,

Prussia, Holland, some of the German States, and elsewhere; meetings have been held, societies formed, addresses made, and resolves adopted; from which there appears to be a very wide spread and prevailing sentiment in favor of a general cooperation for the attainment of the great and all-important design of substituting arbitration instead of arms, as a last resort, for the decision of international disputes. Several of the courts of Europe have been addressed on the subject of peace by the Count de Sellon.

Your Committee have deemed it proper, and, indeed, in a degree, essential, to the interests of this cause, to give the foregoing very brief outline of the facts laid before them, in regard to the state of feeling apparently prevailing in the community, both in this country and abroad, in favor of some action, on the part of government, for the promotion of the object now presented to view. It cannot be denied, the view opens a bright field of intelligence and high moral feeling, unfolding a wide expanse of heart-cheering philanthropy; a field appearing already ripe for the harvest, and open for him who will, to enter in, and be the first to win its laurels, to pluck its rich and wholesome fruit, and gather to himself a rich store of present fame, future and fair renown, and a glory which shall endure, when the blood-stained laurels of the offensive warrior shall have become faded and withered, an object of the abhorrence rather than the veneration of mankind.

May not the citizens of this State, and of these United States, be justly indulged in the laudable desire of seeing one of their own chief magistrates the first to set foot on this thrice consecrated ground? May they not pardonably indulge the flattering hope to see the name of a president of this republic engraved on that ever-enduring and consecrated list, where stand, and will for ever remain, so long as the memory of man shall endure, the names of Numa Pompilius, Francis the first, of France, Charles the fifth, of the Low Countries, Cæsar Maximilian the emperor, Henry the eighth, of England, W. A. Ciervier, John Sylvagius, chancellor of Burgundy, Erasmus, Fenelon, Henry the fourth, of France, and Charles Irene Castel de St. Pierre. If the remembrance of these names is cherished by the enlightened of the present day, with a feeling approaching to veneration, for their individual efforts in the cause of peace, with how warm and heartfelt an admiration will his name and memory be embalmed in the cherished recollection of a grateful world, whose far-sighted policy, active philanthropy, and skilful diplomacy, shall summon, not his kindred, not his fellow-townsmen, not his political partisans and abettors, not the immediate members or confederates of his own nation merely, but the great

family of nations, to meet in a friendly council—an august assembly!—to consult together for the common good, to promote the general welfare of mankind, to cause the sword to be unsheathed, the bayonet to be unfixed, and to bid the iron-tongued artillery no longer cause the nations to quake before its thunder. Not that the memorials referred to this Committee contemplate the total discharge of your navy, the entire dismantling of your forts, the immediate disbanding of your regular troops, or the disorganizing of your militia. The sword of justice must be uplifted still. The armed police of nations must remain on the alert. The court-room does not supersede the necessity of the watch-house. Yet the trial by jury has superseded, and may well supplant the trial by combat; and arbitration, or a Court of Nations, may be made the final resort, instead of an appeal to arms.

In arriving at this conclusion, your Committee are happy in finding the opinion they have been led to adopt, founded on the result of their own investigation, supported by the deliberately and publicly expressed opinions of others, for whose decision, in regard to a subject of this nature, they entertain no light regard.

At a former session of the Legislature of this State, the Committee to whom was referred a petition, from one of the abovenamed memorialists, on the subject now under the consideration of your Committee, in reporting, as they did, in favor of the prayer of the petition, and unanimously recommending certain resolutions in relation thereto, which report was accepted, and the resolutions adopted in the Senate, by a vote of nineteen to five, have expressed an opinion to which your Committee are disposed cordially to respond. They say, "It is thought by the Committee that some umpire, either temporary or permanent, by which disputes between nations may be decided, is by no means a visionary project. Such an umpire will certainly be practicable, whenever public opinion, in civilized nations, shall be sufficiently enlightened to sanction it." The Committee further remark: "It is believed that the Legislature of this Commonwealth would not go far in advance of public opinion, by some declarative act favorable to this pacific mode of terminating the controversies of nations. Such a declaration, if not utterly destitute of ground to stand upon, would be at least harmless; and no man of high moral feeling, or moral courage, can hesitate how to act, when the alternative presented is, on the one hand, the possibility of accomplishing an incalculable public good, and, on the other, the danger of encountering the chilling incredulity or heartless raillery of those who do not know how to appreciate his motives." The Committee further say: "If a public attempt is ever to be made to bring war into discredit, and to devise

some amicable mode of settling disputes between nations, it may be well now for some public body to feel the way. And no where can this beginning be more suitable than in Massachusetts." And in speaking of the effects to flow from the measure, the Committee say: "It will show the people of this Commonwealth, that when solicited to express an opinion upon a great national subject of vital concern, a subject which can excite no conflict of party passions, we do not turn a deaf ear to the call; that we do not maintain a heartless silence, but return a kind and generous response to the voice of those noble philanthropists, who would save mankind from evils into which those in times gone by have rushed headlong, and which they have been obliged to rue when it was too late to escape them." In these sentiments, your Committee think, there is a magnanimity which will insure a ready and full response from every American breast. Such sentiments, they think, cannot be too widely disseminated.

The Committee of the Society for the Promotion of Permanent and Universal Peace, established at London, in their seventeenth annual report, speaking of the proposition now under the consideration of your Committee, say: "What is there in this proposal that does not commend itself to the good sense of every man? It is only an extension of that principle of legislation, which settles private disputes by arbitration or courts of law, instead of leaving every one to right himself, which might result in violence and murder." After speaking of the doings in this country, and in Switzerland, relative to this measure, they say: "Your Committee have watched, with a lively interest, these proceedings of their brethren and fellow-laborers in America and Geneva; their own labors have not yet been in this direction, though they have, for some time past, held themselves in readiness, at a suitable opportunity, to bring this subject more immediately under the consideration of the British public and of the government." At the eighteenth annual meeting of the London Peace Society, the subject of a Court of Nations was discussed, and the following resolution was moved and carried: "That the continuance of peace calls for our grateful acknowledgments to Almighty God, and we sincerely hope that the experience of its advantages may induce the powers of Europe and America to endeavor to prevent the recurrence of war, by the adoption of a peaceful and rational mode of settling their differences by arbitration." This meeting, and the subject discussed at it, appears to have been noticed with commendation by the British press. As an instance of the tone assumed on the occasion, the following remarks, from the London Mercantile Journal, will not be read without interest. After speaking of the rapid progress of the principles and policy of

peace, it is remarked: "In a mercantile point of view, this subject is very important, and every mercantile man should be a member of the Peace Society. What becomes of trade during the existence of war? Is not war a total interruption of, and a complete curse to trade? And in this country, which is a commercial country, ought above all to study the things which make for peace, as upon peace commerce depends, and upon commerce England depends. Reason and experience, and not guns and swords, are the best arbiters between man and man, and ought, indeed, to be the only arbiters between rational beings.

Physical contests are the characteristics of brutes, which we do not allow to possess reason. War has hitherto been the game at which kings and generals have played, whilst the people have found them in money wherewith to carry it on; but the people are becoming wiser, and choose rather to keep their money in their pockets. But if the principles of the Peace Society were universal, there would never need be any war, even of self-defence, because there never would be any aggression. In the beautiful imagery of eastern poetry, men would convert their swords into ploughshares. Europe has now long been at peace, and may she continue to be so! and we expect that the diffusion of knowledge will increasingly secure its unnumbered blessings to all mankind. Our national debt of eight hundred millions is a monument to the folly, false glory, mischief, and curse of war. Nations, as they become enlightened, will survey this monument, and read its inscription; and the experience on this subject, which has cost us so much, will be given to them for nothing. Such is our own deep conviction of the unnecessariness, folly, ruination and mischief of all war; and such our persuasion of the advantages, wisdom and glory of peace, that we say, 'success to the Peace Society—may all society throughout both hemispheres of this well-peopled world, become one great Peace Society;' and say amen to the malediction, 'cursed be the hand that again kindles the fires of war!'"

Your Committee have quoted these remarks thus at large, believing them to be of no light import in this connection, conveying, as we have reason to think they do, the sentiments of a great and highly respectable portion of the more intelligent classes of the British public; and for the same reason we are gratified to see the publication of the following sentiment in the Quarterly Journal of the British Peace Society: it is from a Hartford County Report. "The benevolent proposal of instituting a high court, to which may be referred for equitable and final adjustment all international disputes, deserves the serious consideration of the 'powers that be,' and of every friend of peace. It is hoped, that measures may be adopted in different countries, to call forth a public

expression of the opinion of the people, and requests, to their respective governments to adopt this specific measure." The measure has been approved at various public meetings in different parts of Great Britain. To select one instance from many. At a meeting of the Newcastle auxiliary to the London Society for the Promotion of Permanent and Universal Peace, one of the speakers observed, "he wished the Society possessed the means of extending their principles into other countries, and then he trusted that the system of national arbitration would become matured and generally acted on." Sentiments of individuals and societies on the continent, in France, Geneva, and elsewhere, equally friendly to the measure, have been laid before your Committee, but they deem further citation on this point unnecessary.

Your Committee, consistently with what they deem their duty on an occasion like the present, and as an organ of the highest representative body in a community so enlightened as that comprising the citizens of this Commonwealth, cannot withhold their hearty approbation of the signal instance of triumphant benevolence recently given by his majesty William IV, in his successful proffer of friendly mediation, during the recent misunderstanding between the governments of the United States and France: a mediation most magnanimous in its spirit, and most honorable to the British king, as the monarch of a powerful, highly civilized, intelligent and Christian people: a mediation most happily and fully successful in the attainment of the unspeakably important object in view; and hence demanding the public and grateful acknowledgments of those who were so greatly benefited by it. A mediation indicating, in its origin, acceptance and results, a radical change and permanent advance in public sentiment, which cannot but be regarded as most auspicious to the dearest interests of mankind; and also as clearly demonstrating the practicability, provided the attention of the several nations can be called to the subject, of devising, introducing and establishing some mode of determining disputes between civilized nations other than that of an appeal to arms. In fine, a mediation, which, when the bonds of amity were broken, when the ultimate stand had been taken, when the doors of reconciliation were closing, when a hostile attitude was already assumed and forces were collecting, and arms were burnishing, and navies were manned and fitting out for service, bid that phantom falsely styled national honor to disappear, caused reason to resume her seat, allowed justice to uplift her scales, and, in so doing, prevented an astonished universe from beholding, and disburdened the pen of the future historian from recording, yet other bloody acts, revolting spectacles, and dismal legends to be chronicled with

those of Ostend, Aboukir and Alexandria, the Rhine reddened and swollen with the gory torrents successively poured into it from Tournay, Kayserslautern, Josselies, Cologne, Manheim, Mayence, Frankenthal and Fribourg, the slaughter of the Burmese, the desolations of the Carnatic, the massacre at Scio, the battle of Borodino, the passage of the Beresina, and, finally, the field of Waterloo: acts which,—while causing blood to flow in torrents, depriving old age of its prop, and infancy of its provider, extending desolation over sea and land, and introducing wretchedness to the fireside of the hovel, paralyzing the arm of industry abroad, and agonizing the heart at home; aiming a deathblow at commerce, manufactures, and the useful arts,—would nevertheless lay claim to be deemed honorable when committed by nations, though they would be universally denounced as barbarous and brutish, if done by individuals. In this view of the case, your Committee ask, foreseeing these acts and dreading these then impending evils, if joy did not thrill every American heart, on hearing the noble offer of his august majesty the king of England, to become the friendly arbiter between the governments of France and the United States? two nations whose friendly intercourse and mutual good offices had, since the very commencement of our existence as a nation, been cemented by the golden chain of commerce. A noble umpirage! which may have prevented not only the estrangement of two most friendly nations, but also the waste of millions of money and the destruction of thousands of human lives, in addition to the blow, fatal it might have been, inflicted on the advance of liberal principles and the establishment of free institutions, and setting the world one more injurious example of the baneful custom of engaging in war for the assertion of right. Your Committee feel unfeigned delight in recurring to this most magnanimous instance of enlightened policy in the government of that country in whose just fame the citizens of the United States will ever feel a pride, regarding and cherishing it in memory as the mother country, in whose bosom was fostered that attachment to liberal principles, and that love of freedom, to which this republic is indebted for its being.

Your Committee have thus laid before you the results of their inquiries in this branch of the investigation assigned to them, from a persuasion that the information elicited in reference to this subject will be regarded with more than ordinary interest by every one accustomed to measure, with a practised eye, the movement of public sentiment and feeling; and they have also been actuated in giving the foregoing exposition from a deep and pervading sense of the solemn responsibility under which they lie in having had committed to them a subject which, in their view, yields to no other of past or present time, in reference to

the varied, extensive, and all-absorbing interests involved in its decision. They regard the ultimate result of the proposed measure, as one which, if the measure be now adopted and carried forward by the Legislature of this Commonwealth, and if it be countenanced and carried into execution by the Executive of the United States, and eventually concurred in by the different powers who may be invited to cooperate to that end, will eventually confer on Massachusetts, on the United States, and on the age in which it is achieved, a renown whose duration will be coeval with the existence of our race. With this inadequate view of the subject, the Committee unanimously recommend the following resolutions, for the adoption of the Legislature.

Per order of the Committee.

STEPHEN FAIRBANKS, *Chairman.*

Commonwealth of Massachusetts.

In the year one thousand eight hundred and thirty-seven.

Resolves in relation to a Congress of Nations.

Resolved, That the resort to war, to settle questions of national profit or honor, is a practice derived from the barbarism of former ages, and inconsistent with the enlightened philanthropy of the present, still more adverse to the benign principles of Christianity, productive of extensive distractions, misery and corruptions, and usually inefficient for the purposes for which it is commenced, and hence it is incumbent on all civilized communities to devise measures for its suppression.

Resolved, That the institution of a Congress or Court of Nations appears to be, at present, the best practical method by which the disputes between nations can be adjusted, and the appeal to arms avoided.

Resolved, That it be recommended to the Executive of the United States, to open a negotiation with such other governments as, in its wisdom, it may deem proper, with a view to effect so important an arrangement.

Resolved, That His Excellency the Governor of this Commonwealth be requested to transmit a copy of this Report, and the accompanying Resolutions, to the President of the United States, and to the Executive of each of the States, to be communicated to the Legislatures of the several States, inviting their expression of sentiment and cooperation in favor of the end in view.

In searching the records of the General Court of the State of Massachusetts, I find the following resolves, passed in 1838, of which I was ignorant before, and add them in this place.

Commonwealth of Massachusetts.

In the year of our Lord one thousand eight hundred and thirty-eight.

Resolves in relation to a Congress of Nations.

Resolved, That offensive war is incompatible with the true spirit of Christianity.

Resolved, That the great importance of the subject renders it the duty of all civilized communities to unite in the adoption of any practicable plan, calculated to effect so noble an object as the abolition of war, and the preservation of peace among the nations of the earth.

Resolved, That the institution of a Congress of Nations for the purpose of framing a code of international law, and establishing a high court of arbitration for the settlement of controversies between nations, is a scheme worthy of the careful attention and consideration of all enlightened governments.

Resolved, That His Excellency the Governor of this Commonwealth be requested to transmit a copy of these resolves, with the accompanying report, to the President of the United States, and to the Executive of each of the States, to be communicated to their respective Legislatures, inviting their cooperation in the proposed object.

House of Representatives, April 25, 1838.—Passed.

ROBERT C. WINTHROP, *Speaker.*

In Senate, April 25, 1838.—Passed.

MYRON LAWRENCE, *President.*

April 25, 1838.—Approved.

EDWARD EVERETT.

No. 7.

First Petition to Congress, presented by the New York Peace Society, the American Peace Society, the Vermont Peace Society, and many other individuals, the members of no peace society.

To the Honorable, the Senate and House of Representatives of the United States of America, in Congress assembled on the first Monday in December, 1837.

The undersigned, members of the New York Peace Society, and other individuals friendly to the Peace cause, respectfully present the following Petition:

That your honorable body accede to the proposition of the Mexican Congress, as couched in the following terms, contained in a decree of that Congress dated May 20th, 1837, to wit:

"The government is hereby authorized to compromise the claims which the government of the United States has instituted, or may hereafter institute; and those in which they cannot agree may be submitted to the decision of a friendly power, the United States of America agreeing thereto."

Your petitioners feel, that it would greatly derogate from the high character hitherto sustained by this republic, to decline so honorable a proposal as that contained in the foregoing article; and, on the other hand, that it would redound to its highest honor, promptly and frankly to comply with it.

It is a universally admitted proposition, that a disinterested party is more likely to decide impartially in relation to a dispute, than the parties interested; and it is for this reason that men in their social capacity have consented to the establishment of judicial tribunals, to which to refer such of their individual disputes as they cannot satisfactorily adjust between themselves. For the same reason, in the opinion of your petitioners, ought international disputes of a similar kind to be referred to a disinterested party. And they are the more encouraged to hope, that this petition will be favorably received by your honorable body, from the consideration of the fact, that the principle of arbitration has been adopted by the government of the United States in several instances already, whereby the soundness of that principle has been clearly recognized, and its compatibility with the honor, dignity, and rights of the nation virtually admitted.

Your petitioners take this opportunity to pray your honorable body to adopt the principle of reference to a third party of such international

disputes as cannot be amicably adjusted by the parties themselves, as an *invariable* rule of action, instead of an *occasional* one. They can see no possible reason why it should not be the rule at all times, as well as on particular occasions. There is *no time* that a party to a dispute is not less likely to decide impartially in relation to its merits, than a disinterested party would be; and, consequently, there is *always* the same reason why parties, whether individual or international, should refer to arbitration such disputes as they are unable to adjust amicably between themselves.

Your petitioners would further pray your honorable body, in pursuance of this principle, to send forth a proposal to the various governments of the world, to unite with your honorable body in the establishment of a great international board of arbitration, or a Congress of Nations, to which to refer international disputes; and, also, for the purpose of digesting and preparing a regular code of international law, obligatory on such nations as may afterwards adopt it.

If the principle of arbitration is to become the order of the day, then there can be no question as to the best mode; and if there is to be a law of nations at all, it is equally clear with regard to the propriety of its being embodied in a regular code. No government, engrossed with its own affairs, can devote the time requisite to the thorough examination of the various international disputes; and hence the necessity for the appointment of a board of arbitrators for the purpose, who would be able to devote to the business their undivided attention. And besides this, a board of arbitrators, composed of delegates from various nations, would, by containing within itself a counterpoise of interests, be more likely to give an impartial decision, than would any single government. With regard to the formation of a code of international law, all the reasons that can be assigned for the *enactment* of law in general, are equally applicable to the enactment of an international code. The principles of law need to be settled and defined. For want of this, in the case of the law of nations, many wars have occurred. And who so suitable to prepare an international code of law, as an international tribunal of the kind contemplated? Assuredly, it is not competent for *one nation* to decide what shall be the law for *all the nations of the world*, in their intercourse with one another. Nothing short of *an international tribunal* is, in the opinion of your petitioners, competent to the preparation of an *international code of law*—and competent to the explication and application of that law, after its enactment, in cases of *international dispute*. And yet, your petitioners do not propose a measure which would be any infringement, even the least, on the independence and sovereignty of nations. As they have

already hinted, they propose only, that this law shall be obligatory on those nations that may adopt it, after its enactment by the tribunal.

Nor do your petitioners propose, that that tribunal be clothed with power *to enforce* its decisions, but that it rely for its efficiency solely on the impartiality and correctness of those decisions, and the honor and justice of the parties concerned. And when your petitioners consider the tenacity with which nations adhere to the point of honor, and that they never embark in war without a plausible excuse, they are forced to the conclusion, that *a righteous* decision of an international dispute, emanating from an authorized, international tribunal, in accordance with an international code of law, accompanied by the reasons for that decision, and appealing solely to national honor and justice, could not fail to meet with a favorable reception by the parties. To suppose otherwise, would be to suppose, that those vast portions of mankind denominated nations, that stand so much on their dignity and honor, have less pretension to those noble qualities, than have two common citizens who refer a dispute to arbitrators in the ordinary concerns of private life, and who would consider themselves eternally disgraced, were they to disregard a fair decision. Indeed, to suppose that nations would not heed a decision of the kind, would be an impeachment of their high character, and an insult to their fair fame.

But your petitioners do not stake their cause on the *certainty* of the efficiency of the plan proposed. They would say, that if there is even a *tendency* in the scheme to prevent such an evil as war, nations ought to adopt it. Nay, they will go further, and say, that if there is a remote probability of its preventing *a single* war; yea, if it is not demonstrable that it will have no tendency to prevent war; nations ought to *make trial* of it, to say the least. The nation refusing to participate in such an attempt at the pacification of the world, would manifest no desire to avoid war, and could no longer denominate it its last resort. On the other hand, should the trial of the scheme be made, and even prove abortive, nations will not have labored in vain: they will thereby have manifested some disposition to avoid war, and could then with some appearance of truth denominate it their last resort—which otherwise they could not do.

Your petitioners feel desirous, that this country should not only combine with others in promoting the great and glorious scheme under consideration, but that she should lead the way, by sending forth the GREAT PROPOSAL for a Congress of Nations, to the various nations of the earth. They would fain see their own country stand forth in advance of all others in this great, this glorious, this heaven-born enterprise; presenting to the admiring view of the whole universe a

spectacle of moral grandeur and sublimity unequalled in the career of nations, and entitled to imperishable renown. Fain would they see the names of their rulers inscribed on the same page of immortality with those of a Numa Pompilius, an Antoninus Pius, a Leopold of Lorraine, a Walpole, a Fleury, a Maximilian II, a Rudolph II, a Ferdinand VI, a Robert I, and a William Penn, and not on that page of infamy crimsoned with human blood.

Your petitioners would be among the last, to base their cause on any ground but that of its own intrinsic merits. Nevertheless, it is always gratifying to the friends of a good cause, to know that it has the countenance and support of the wise and the good.

[Here follow extracts from the first and second report of the Legislature of Massachusetts, which it is unnecessary to repeat.]

Your Petitioners also find the sage Franklin holding language like the following: "We daily make great improvements in *natural*, there is one I wish to see in *moral*, philosophy;—the discovery of a plan that would induce and oblige nations to settle their disputes, without first cutting one another's throats. When will human nature be sufficiently improved to see the advantage of this?" "Wonderful," says the illustrious Jefferson, "has been the progress of human improvement in other respects. Let us hope, then, that the law of nature, which makes virtuous conduct produce benefit, and vice loss, to the agent, in the long run; which has sanctioned the common principle that honesty is the best policy; will in time influence the proceedings of nations as well as individuals; that we shall at length be sensible, that war is an instrument entirely inefficient toward redressing wrong; that it multiplies, instead of indemnifying losses. These truths are *palpable*, and *must*, in the progress of time, have their influence on the minds and conduct of nations."

But your petitioners forbear from further quotation. Enough has been produced to show, that were the rulers of the world such men as our Franklins and Jeffersons, this project would not want supporters. And could those venerable, patriot sages revisit the earth, and once more take their seats in the American Congress, we doubt not that they would be among the foremost to rise up in your midst, and advocate the adoption of the measure recommended in this petition. May we not hope, that your honorable body will, by the adoption of a similar course, prove yourselves in this respect a Congress of Franklins and Jeffersons—a Congress of sages and philanthropists—a Congress acting for the highest interests, not of a single nation at a particular period, but of the whole human family henceforth to the end of time?

That the custom of war has hitherto prevailed, is no reason for its

longer continuance. We of the present generation claim to live in an age of superior light, in which customs are brought to the test of reason. This touchstone needs but to be applied to the custom of war, to procure at once its abolition. It is a custom altogether unsuited to the high state of civilization of the present period. Time it is, that some general movement were made among the nations, to bring it to a termination. Suffice it to have outlived customs far less barbarous, which have disappeared before the bright beams of civilization, like the mists of morning before the ascending sun. Too long has this hydra been permitted to rear his horrid crests amid scenes of civilization and refinement. Too long have the nations of Christendom, professing to be governed by a peaceful religion, been subjected by their warlike policy to the taunts of the Jew, the scorn of the Mussulman, and the reproach of the heathen. The rulers of Christendom owe it to themselves, they owe it to the religion they profess, they owe it to the human race, to change at once and for ever their international policy, by the adoption of a pacific mode of adjusting international disputes. Nor can they, with all the light that is blazing on them, any longer forbear to adopt such a measure, without incurring the most awful guilt. War that is not indeed the last resort, is wholesale murder; and until every probable expedient has been resorted to, to prevent it, it is not the last resort. Your petitioners, therefore, feel, that unless the governments of the world, and especially of Christendom, will make a sincere trial of the principle of arbitration for the adjustment of their disputes, and thereby bring its efficiency to the full test, they cannot embark in war without guilt of the most fearful magnitude, and the deepest die—THE GUILT OF THE BLOOD OF NATIONS! And they further feel, that it would not only be an immortal honor to the government that might move first in this great undertaking, by making a proposition of the kind to others, but that no government is justifiable in waiting for another to make the first movement. And, finally, they feel that the government of this country, above all others, is under obligation to be the foremost in this instance. Our institutions, our policy, the genius of our country, our high pretensions to superiority in all that is great and ennobling, demand it at our hands. And your petitioners do most fervently hope, that your honorable body will not turn a deaf ear to the call, but that, by your timely and favorable action in the case, you will prove to the world that all these claims to transcendent excellence are not in vain.

No. 8.

Report on the foregoing Petition.

Mr. LEGARE, from the Committee on Foreign Affairs, made the following REPORT:

The Committee on Foreign Affairs, to whom was referred the memorial of the New York Peace Society, and other individuals friendly to the peace cause, report as follows:

The prayer of the memorialists is twofold. They desire, in the first place, that our differences with Mexico should be referred to the arbitration of a third power. The House is already informed that, to this extent, their petition has been answered and fulfilled by the Executive—our claims upon that government having, at the instance of the latter, been submitted to an umpire of its own choosing. So far, therefore, as the object of the memorialists was to bring about this practical result in a public interest of great importance and pressing exigency, it has been accomplished, no doubt, to their entire satisfaction.

But they do not stop here. They proceed to recommend to Congress that it "adopt the principle of reference to a third power of such international disputes as cannot be amicably adjusted by the parties themselves, as an invariable rule of action, instead of an occasional one." And they further pray that, "in pursuance of this principle, a proposal be sent forth by this government to those of other nations, that they would unite with it in the establishment of a great international *board of arbitration*, or a *Congress of Nations*, to which to refer international disputes; and also for the purpose of digesting and preparing *a regular code of international law*, obligatory on such nations as may afterwards adopt it." They think that this board of arbitrators should be composed of delegates from various nations, and that to this board should be confided the forming a code of international law.

It is proper to observe, however, that they do not propose this code "shall be binding upon any nations which may not willingly adopt it, after its enactment by the tribunal;" nor do they propose that that tribunal be clothed with power to *enforce* its decisions; but that it shall rely for its efficiency solely on the impartiality and correctness of those decisions, and the honor and justice of the parties concerned.

The petitioners conclude, by expressing a desire that this country should not only combine with others in what they characterize as "the great and glorious scheme under consideration," but that they "should

lead the way, by sending forth the proposal for a Congress of Nations" to the various governments of the civilized world.

The Committee have been earnestly pressed to take this latter prayer of the petitioners into consideration, and to make a direct, full, and solemn report, both upon its principles and its practicability. It is in compliance with a desire thus entertained in many respectable quarters, that they have the honor of submitting to the House the following reflections:

The Committee need scarcely say that they fully appreciate and sympathize with the philanthropic feelings and purposes expressed in the memorial. They agree that the union of all nations, in a state of peace, under the restraints and the protection of law, is the ideal perfection of civil society. Not, however, that they would be understood as affirming that war has always, in the history of mankind, been an unmixed or uncompensated evil. They do not think so. To say nothing of the heroic virtues which are formed under its stern discipline, and exercised by its trials and perils, war has, in fact, been often, both in ancient and in modern times, a mighty and even a necessary instrument of civilization. It is sufficient, in this connection, barely to mention the names of Alexander and Charlemagne. But the Committee also think that those times are gone by. Far other agents of amelioration and progress are at work now — agents infinitely more powerful in their quiet and silent, but incessant operation, and whose efficacy would be greatly impaired by war, did they not tend, more than any thing else, to supersede and put an end to it. The age is reproached with being a mechanical and ignoble one — with its sordid love of gain, its plodding devotion to business, and its preference of physical comforts and personal accommodation, to objects that elevate the imagination and refine the taste in art and literature. This reproach is, no doubt, to a certain degree, well founded; but we must not forget that we do not forego (as far as we do) the advantages referred to, without a real, and, in the eye of sober reason, an abundantly adequate compensation. It is true that the most peculiar characteristic of the civilization of these times is a demand, becoming universal among all classes of society, for the various physical comforts, of which commerce is the inexhaustible source. But it is this very peculiarity that opens an entirely new prospect to the human race, and makes the present moment an epoch in its history. This commercial or economical civilization, if we may call it so, is reconstructing society on the broadest and most solid basis. It is essentially democratic in its character and tendencies. It pursues steadily, and achieves, with more and more success every day, the greatest good of the greatest

number. It is every where increasing population, and adding immensely to the fund that employs and rewards labor. In spite of many disturbing causes, which will disappear in the progress of things, it is elevating the poor in the social scale, providing for them better food, raiment and lodging, as well as means of a suitable moral and intellectual education. It is bringing the most distant families of mankind, as it were, into contact with one another, and effacing all the sharp and salient peculiarities of national character that now estrange them from each other. It is revealing the great cardinal truth of free trade — so pregnant with moral as well as political results — that "self-love and social are the same;" that every country is interested in the prosperity of every other; that production can never be excessive, because, where exchanges are untrammeled, it produces its own consumption; that nothing, in short, can be more shallow in science, as well as sordid and narrow in spirit, than a restrictive policy founded upon the idea that a nation can only enrich itself at the expense of its neighbors, or has any thing to gain, in the long run, from their losses. When we reflect that, during the whole of the last century, and for a considerable period before, the far greater part of the blood and treasure so prodigally lavished in almost incessant war, was a sacrifice, directly or indirectly, to fallacious views of commercial monopoly and colonial dominion considered as instrumental to that monopoly, we shall fully appreciate the importance of this simple truth, once become, as it will infallibly become, a settled maxim of national policy. With notions of economy and personal comfort, such as are made the reproach of the times, mankind are not likely much longer to acquiesce in the wanton and profligate waste of their resources, of the means of so much private and public prosperity, in contests which — to say nothing of the unspeakable evils that accompany them — cannot possibly result in any adequate advantage to either party. Their reluctance to take up arms will be increased by a regard not only to their own interest directly, but to that of their adversaries, which is in effect the same thing; to make war upon their customers in trade, will be felt to be a mischievous and suicidal insanity. This motive is, perhaps, not a romantic one; but it is not the less powerful for addressing itself less to sentiment and the imagination than to the habitual selfishness of human nature. It is thus that physical causes are producing moral effects of the greatest importance, and that political economy becomes the most effective auxiliary of Christianity. We already see, in a manner not to be mistaken, the influence of such ideas in the contemporary history of Europe, although they are just beginning to take hold of the public mind, and there are so many obstacles to their progress in the actual

state of things there. It is scarcely possible to imagine a greater revolution of opinion, in the same time, than has occurred since the peace of 1815. A single generation is not yet passed away since the downfall of Napoleon, and his military despotism begins already to strike the minds of men as a barbarous anomaly in such an age. Since the last French revolution, causes of controversy, without number, sufficient to have produced desolating wars at any previous epoch, have arisen and passed away without occasioning one, except the disputed succession in Spain — an exception that proves the rule. Much is due, no doubt, to the personal character and enlightened views of those whose position enabled them to control that great event; but, let it be remembered that that character and those views were themselves the work of the age which they reflect so faithfully.

The Committee will add, that there is another point in which every thing that tends to preserve the peace of nations will, ere-long, come to be universally regarded as peculiarly interesting to mankind: they allude to its effect in promoting the great cause of limited or constitutional government. War has ever been the most fruitful source of arbitrary power. They are, indeed, to a certain extent, inseparable. A military is, necessarily, in spirit and effect, a despotic, and must generally be a monarchical organization. Not only so, but the evil tends to propagate and to perpetuate itself. One great power arming for conquest compels all neighboring powers to arm for defence; and it is not a vain or fanciful saying, that laws are silent amidst the dim of arms. The instinct of self-preservation is at least as strong in nations as in individuals. They ever have been, and ever will be, ready to sacrifice, without scruple, their dearest rights and liberties in order to maintain their national independence. The yoke of the foreigner is so galling and degrading, that there is no other which mankind are not willing to bear in order to avoid it. "The salvation of the people," — *salus populi*, — at whatever cost or risk, must and will be the supreme law, under every form of government. The dictators of republican Rome, the terrible despotism of the executive committees of the French Convention, are only instances of a universal law of society and of human nature under such circumstances. Hence the impossibility, for the present at least, of maintaining such institutions as ours on the continent of Europe.

Mirabeau embodied the whole philosophy of the subject in his well-known apothegm, that France was "geographically monarchical." The federal relations of Europe (for Europe *is*, in fact, a confederacy) admit, in *strict theory*, of no arbiter but the sword; and the independence of most of the powers has been preserved — as far as it has been pre-

served at all — at the cost of popular liberty. That happy compromise by which the wisdom of our fathers — availing itself, it is true, of such circumstances as have never occurred elsewhere — has reconciled, on this continent, the sovereignty of the States with the rights of individuals, under a peaceful, judicial administration of the law, is still, and is likely long to continue, a *desideratum* there. But the spirit of the age is gradually becoming more favorable to such institutions, just in proportion as it is becoming less disposed to war. Peace is the hope of liberty — peace, consecrated as the standing, fundamental policy of the world. Such a state of opinion, or such a condition of things as will dispense with large armies and military discipline, with a power, in effect dictatorial, in the executive department of governments, and with the ambition, the glory, and the fatal popularity and influence of successful generals; such a perpetual and perfect intercourse, commercial and otherwise, among men as will mitigate extremely, if not extinguish, all mutual jealousy and hostility between nations destined, under the blessed influences of Christian civilization, to form but one great family, and will thus deprive politicians of the occasion of turning the wildest frenzy and worst calamities of mankind into a means of sanctifying the abuses of government — will inevitably lead, in this age, to the general establishment of representative institutions. All the tendencies of commerce and industry are to social equality; peace will add to that equality rational liberty under a government of laws; and both will tend to perpetuate, by a natural reaction, the causes that produced them.

Concurring thus fully in the benevolent objects of the memorialists, and believing that there is a visible tendency in the spirit and institutions of the age towards the practical accomplishment of it at some future period, the Committee regret to have to say that they have not the same confidence in the *means* recommended in the petition. They are of opinion that reforms so fundamental, can only be brought about by the gradual progress of civilization, and in consequence of a real change in the condition of society. They must follow events, and conform to them; they cannot, by any contrivance of man, be made to precede and control them. All attempts, in such matters, except by bloody revolutions or conquests, to anticipate the natural course of things, are entirely unavailing.

The scheme of the memorialists is, as we have seen, to refer all international disputes to a Congress of deputies, and to authorize that Congress to digest a code of public law that shall be binding only on such powers as should voluntarily adopt it.

The first objection to this plan lies upon the surface, and is entirely

fatal. The unanimous consent of nations, in the actual state of the world, to such a proposal, is — as any one will be convinced who reflects a moment upon their political relations, or will but cast his eye over a map of Europe — entirely out of the question; and the refusal of a single great power to acquiesce in it, would alone render it abortive. This is not matter of speculation; it is what has actually occurred in one of the most important departments of international law. The House is aware that Great Britain maintains doctrines in reference to the maritime rights of belligerents, which were formally disavowed and denounced, during the war of our Revolution, by almost all the leading powers of Europe, banded together to resist the enforcement of them in practice. On some of the points involved in the declarations of the Armed Neutrality, our own prize courts have followed, perhaps too implicitly, those of England; but on others — for example, the rule, as it is called, of '56 — they have adhered to the law, as explained by that famous league. And yet, against the concurring opinions of all the rest of the civilized world, and in spite of the bloody wars to which the exercise of her pretended rights has led, and may yet lead, Great Britain maintains her principles, irreconcilable as they are with the practice of nations in analogous cases on land, and indeed with all modern ideas of civilized warfare; and even interposes her overruling influence to prevent any of the minor states of Europe from adopting, for their own convenience, provisions inconsistent with those principles, in treaties professedly confined to the parties making them. What declaration of a Congress, constituted as the one in question would be, can be expected to have, by the mere weight of its authority, more effect on the opinions and the conduct of mankind, than that of such a formidable coalition as the Armed Neutrality?

Had England not engrossed the empire of the seas for about a century past, it is scarcely possible to doubt but that the law of maritime captures would have been made to correspond more strictly with the analogies of war on land, and private property been held as sacred in the one case as in the other. It is worthy of notice, that at the Congress of Utrecht, before her ascendant was established, that power was an advocate of the rights of neutrals. She is now their worst enemy; and her resistance presents an obstacle, for the present at least, quite insuperable to any reform in this particular; just as the refusal of either France, or Austria, or Russia, &c., would be fatal to the project of the memorialists. Such is the preponderance of these powers in the balance of Europe, so peculiar and so various their interests, so many changes will be necessary in most of them to bring their institutions into harmony with the leveling spirit of the age, and so to make it all

safe for them to submit to any arbiter but force, that it were chimerical to expect their cooperation in any plan to dispense with it altogether. When Henry IV conceived *his* project of perpetual peace, he did not look for the countenance or consent of the then predominant house of Austria. On the contrary, his first object was to overcome the resistance which he expected from that quarter. His grand scheme of pacification was founded on as vast a one of preparatory war and revolution. That house was to be reduced; its power broken; its territories partitioned. This was evidently an indispensable prerequisite, and his was too practical a mind not to perceive it. The Committee will add here, what will be found to illustrate another proposition advanced in this report, that his project assumed a still more important alteration in the interests and relations of mankind. It constituted Europe on an entirely new basis. He would have built up a balance of power on something like an equality of territory. He would have dealt with that continent as an ancient lawgiver — a Moses or Lycurgus — would have dealt with the soil of a particular country, distributing it on agrarian principles, in order that his new constitution of society should have something solid to rest upon in the nature of things. In this respect, too, as the Committee will presently endeavor to show, he evinced a practical wisdom far above such a dream as that of a revolution in the whole conduct of nations, to be effected by a mere declaration of abstract principles on paper or parchment.

And this leads to the second objection, which is, that even if the consent of all the great powers — supposing their present relations toward one another to remain precisely as they are — could be obtained to such an experiment, there seems to your Committee to be no reason for anticipating any good result from either of the expedients recommended by the memorialists.

First: with regard to a code of international law. Nothing, in the opinion of your Committee, is more fallacious than the idea that mere positive legislation, when not preceded or accompanied by conquest or revolution, has ever had a very important agency in human affairs. This proposition, they are aware, may seem paradoxical at a period when so much is said about written codes and constitutions; but it is fully established by experience, even were it not, as it is, sufficiently clear *a priori*. The most renowned systems of legislation have been the slow work of time, modified in some degree, and improved by an enlightened, experimental wisdom, taking advantage of circumstances, rather than aspiring to control them. Even when reduced to the form of codes, they have done little more, when they have done any good at all, than record with precision, and clothe in solemn form, the opinions,

usages and manners of a people, with such limited modifications of them as have been just alluded to. The Committee will not trouble the House with the elaborate development to which the importance of this great and fundamental truth would, on a proper occasion, so fully entitle it; nor by citing examples which it would be easy to multiply, to confirm and illustrate it. But there is one of these, too often mentioned to be overlooked, too striking to be slighted, and yet in general so little understood as to require a statement of the precise truth in regard to it: they mean the Justinian collection, which is habitually cited as an instance of written law, properly so called, that is, of law arbitrarily prescribed by the supreme power in the state; yet every civilian knows that the great bulk and body of the *corpus juris civilis* is strictly *common law*, the law, namely, of opinion, of interpretation, and of practice. The Pandects are, from beginning to end, nothing but a repository of the wisdom of the great jurisconsults of a better age, delivered to the public in the shape of treatises, institutes and maxims, or in that of consultations or opinions solving questions of practical jurisprudence.

But if this be true even of the law of property and contract (*meum* and *tuum*), it is obviously still more applicable to public law in both its great branches, the constitutional and the international, but especially the latter. As to constitutions, the experience of the last half century supersedes the necessity of saying a word about their total inefficacy where a people is not ripe for them; or, in other words, where they are arbitrarily made for a people. Such an instrument is a mere deception, not worth the parchment on which it is engrossed. None but the most visionary minds can now have any faith in the mysteries, once held in such reverence, of written forms. Our own government has been absurdly cited as an example of the kind. It is, as the House is aware, a remarkable instance of the very reverse. Its two prominent characteristics, its two vital principles as a federal republic—the popular representation in one branch of the legislature, the equality of voices in the other—are founded on *facts*, of which the existence is quite independent of all constitutions, and which may be considered as primordial in this country. The States were as free, even as republican before the Revolution, as they are now; they were at the same time, independent communities, connected, indeed, by many ties, but especially by geographical position and by their common relation to the mother country, but still distinct and independent of each other. It might have been predicted with confidence, that no government could be formed which should not reconcile, as far as possible, both these

facts. Washington, for example, as is very apparent from his correspondence, as well as from his conduct, had, with that sound good sense and large, comprehensive and practical wisdom so characteristic of him, a clear perception of this truth. The form of the Legislative Assembly, composed of two Houses, was the established one of the country—a part of its common law and hereditary liberties, and those of the whole English race: but *how* were those Houses to be constituted? Here was a new question, and the only new question; and yet the solution of it, in the very manner in which it was solved, was inevitable. No one can imagine, that on any merely theoretical principles the State of Virginia could have been brought then, or the State of New York could be brought now, for the first time, to consent that her immense numerical superiority should be neutralized in the equal vote of the Senate. So far, however, from being the strange anomaly which a foreigner might imagine it, it is the most natural thing in the world; so far from being an arbitrary institution it is, so to express it, a corollary flowing out of our whole history; instead of being the creature of the constitution, it was its necessary, indispensable condition. Nor is it merely because it is recognized in that constitution, and clothed by it with a peculiar sanctity, that it maintains its place there; it rests on more solid ground—on public opinion. The spirit which produced it is still in all its pristine vigor; the fact, of which it was the expression, still exists; the States, one and all of them, have a deep interest in maintaining their independence as States, and would unite in resisting a change which would arm the strong against the weak, to the common ruin. The Senate is thus fully a counterpoise to the other House; because, like that House, it is the sign of a living power—the representative of an actual interest; because, like it, it is founded upon a state of opinion, and of things which cannot be changed without war—to maintain which, men would be willing to lay down their lives, and to sacrifice even the government itself. It is this that gives to the Senate of the United States more weight and efficiency than belong to any similar body, any House of Lords, or Chamber of Peers, in the world. But this unquestionable truth at the same time sufficiently evinces, that, of all chimeras, it is the wildest to expect to see similar institutions established, to any practical good purpose, in countries where there are *no facts* that answer to them.

But if codes of municipal and constitutional law, to be effective must mainly form themselves in the silent progress of events, we find in international law a body of jurisprudence which is, and of necessity must be, exclusively the growth of opinion. There is here no legislative power, no common arbiter, nothing but an occasional convention or es-

tablished usage, to give sanction to its precepts. And yet whoever, fresh from the history of mankind in more remote ages, shall open the great work of Grotius, will be struck with the immense progress of society, revealed in every page of it. This justly celebrated, and still, in its kind, unrivaled collection of the maxims of international justice, standing on the very threshold of what is properly called modern history, ought to be considered, perhaps, as the grandest monument which human hands have yet erected to the influence of Christianity. Before the 16th century, the conventional law of nations hardly deserves notice; treaties are but few and meagre: but Europe was a family of nations bound together in the unity of a common faith, and the law of enlightened reason and of good-will among men, proclaimed from the pulpit and at the altar, established itself, gradually and by tacit consent, in the practice of mankind. It is thus that most of the usages which give such a hideous and barbarous aspect to war, even in the most civilized periods of antiquity, have been effaced. Certainly, some additional reforms might be made in international law, as, for example, in the matter of maritime captures, to which allusion has already been had. These reforms, to the honor of our country be it said, have been incessantly aimed at and perseveringly pursued, in her negotiations, from the very first into which she entered as an independent nation, down to the present time. Your Committee trust that no administration will ever lose sight of them; they are confident of ultimate success; they have unlimited faith in the truth, justice, and wisdom of the maxims involved in those reforms; but it is only from the gradual progress of social improvement that such a consummation is to be hoped for. It is not a code or collection of these maxims that is wanted: it is the power to enforce or the spirit to practise them which no code can give.

With regard to the proposed international board of arbitration, the objections of the Committee are still stronger. A code digested and promulged as the memorialists desire, would do no good, but it could scarcely do any harm. Not so with a tribunal of any sort. The probability, to be sure, is, that the decrees of such a one as is here contemplated would be merely nugatory; but, if it had any influence at all, it might, in the actual relations of the great powers, easily be perverted to the worst ends. It might be made especially to impede the progress of the very improvements it would have been instituted to promote, and, instead of disarming the mighty, become in their hands an engine of usurpation and tyranny. He is but superficially versed in the history of nations who does not know that some of the greatest revolutions in society have been brought about through the instrumentality of judicial tribunals. The Committee will cite but one example: they refer to

the gradual subversion of the feudal confederacy of France, by the crown exercising, as it did, a paramount influence over a nominal court of peers. The authority of law, once established and acknowledged among men, is second only to that of religion. Judges do much more than pronounce and enforce judgment in particular cases; they shape the opinions of mankind in analogous ones; and those opinions, as we have seen, are the basis of all government and legislation.

It will immediately occur to the House, that the only republic in the world should be very careful not to commit its destinies, in any serious degree, to institutions which might and would be controlled by influences hostile to its principles; and, the more especially, as the natural tendency of things is more favorable to those principles than any *policy* shaped or controlled by the existing governments of Europe can possibly be expected to prove. In the nature of things, every organ, however constituted, of such governments, must speak the language of what is called "resistance" to the spirit of the age; and if any thing could enable them to resist that spirit, it would be a permanent Congress of Laybach or Verona, laying down the law of war and peace for all nations. This was, indeed, the very scheme of the Holy Alliance, to which this country was formally invited to accede.

The example of the Amphictyonic Council of Greece, which has been cited with confidence by the petitioners, is, in the opinion of the Committee, as unfavorable to their purpose as any that could be selected from the records of the past. Without going into a critical examination of its history, for which this is not a suitable occasion, it is sufficient to refer to indisputable general results, to what every one who will cast his eye, however carelessly, over the annals of those commonwealths, will at once perceive—that it had no effect whatever in healing their fatal dissensions; that so long as there was any thing like a balance of power among the principal states, they continued to make war upon each other, without the least regard to the imaginary jurisdiction of that assembly; that, although by its constitution the twelve peoples composing it had each an equal voice in it, whatever might be their inequality of weight and importance, yet its decisions were continually and openly swayed by the influence of the power or powers in the ascendant for the time being; and finally, that it was by availing himself of his absolute control over it, and by taking advantage of a favorable juncture in affairs brought about by its policy, that Philip of Macedon found a plausible pretext, and a show of legitimate authority, to sanctify the machinations which he had been long contriving, and the war which he ultimately waged with success against the liberties of Greece.

Every other mere confederation, both in ancient and modern times, except under circumstances so peculiar as to make them unfit to be considered as precedents, has been attended with the same results. Either the leading members of them, at the head of standing, systematic parties, have been at perpetual war with each other, or the overruling ascendant of some one of them has enabled it to invade the rights of all the rest, in every form of violence and artifice. The late German empire, for example, affords us instances of both these tendencies. Some of the longest and most desolating wars that have scourged Europe have grown out of the conflicting interests of the members of that league of peace, and had for their avowed object the adjustment of those interests according to the true theory of its public law. This was as much the case after as before the treaty of Westphalia, although one capital object of that memorable negotiation was to reform the constitution or the administration of the Imperial Chamber and the Aulic Council — in which jurisdiction in federal and feudal causes had been vested, without any effect, however, in deciding them to the satisfaction of the weaker party. Neither ought it to be forgotten, that by that treaty a majority of suffrages in the diet was no longer to give the law in any matters that related to religion, or in which the two great parties, as such, should vote differently, or, in general, in any case wherein all the states could not be considered as forming a single consolidated nation. In all such cases, the questions submitted to them were to be treated as those arising between foreign nations, and to be arranged by compromise, with no appeal but to the sword. So difficult is it to accomplish what the memorialists propose, — the peaceful decision of controversies between states whose interests are materially different, — that even where tribunals have been instituted for that purpose, the abuses to which they have been made to lend their authority have seldom failed, in the end, to aggravate and multiply the very evils they were intended to prevent. Experience shows, that of all wars, the most obstinate and terrible are those which grow out of such abuses. They partake of the nature of revolution and civil war; the color of authority on the one side, the sense of injustice on the other, inflame the usual bitterness of hostility; and battles are more sanguinary, and victory less merciful, where the contest is waged by parties standing towards each other in the supposed relation of rebel and tyrant. Such institutions, therefore, unless where the circumstances of a country are very peculiar, have inevitably one of two effects: they either strengthen the hands of the oppressor, or they lead to dreadful and desolating wars to overthrow him; sometimes, as in

the case of the Germanic empire, and the house of Austria in the seventeenth century, to both.

Upon the whole, your Committee are of opinion that time is the best reformer in such things, and that any attempt to anticipate the natural progress of events, by institutions arbitrarily adopted, would either be vain, or something worse than vain. They have endeavored to show that the cause of peace is visibly gaining ground; that mankind are already become, and will daily become more and more indisposed to sacrifice their comforts and their business to the ambition of governments; nay, that governments themselves, partaking of the spirit of the times, or dreading its effects, avoid, as much as possible, those ruinous contests by which nations are rendered discontented, and rulers more dependent on them, just when suffering and poverty most dispose them to revolt. Instead of Congresses to put an end to war, generally on the foot of the *statu quo ante bellum*, there are Congresses to prevent a rupture, and piles of protocols attest that power, as was said of the Spartans after a memorable defeat, has lost much of its insolent and peremptory brevity of speech. The truth is, that every war hereafter will, by the social disorders that are likely to accompany or to follow such an event, throw additional obstacles in the way of future ones. The sword will thus prove the surest guaranty of peace.

Your Committee, therefore, do not think the establishment of a permanent international tribunal, under the present circumstances of the world, at all desirable; but they heartily concur with the memorialists in recommending a reference to a third power of all such controversies as can safely be confided to any tribunal unknown to the constitution of our own country. Such a practice will be followed by other powers, already inclined, as we have seen, to avoid war, and will soon grow up into the customary law of civilized nations. They conclude, therefore, by recommending to the memorialists to persevere in exerting whatever influence they may possess over public opinion, to dispose it habitually to the accommodation of national differences without bloodshed; and to the House, the adoption of the following resolution:

Resolved, That the Committee be discharged from the further consideration of the subject referred to them.

No. 9.

Second Petition of the American Peace Society to Congress.

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

The undersigned, President and Executive Committee of the American Peace Society, by the authority and in behalf of that Society, present the following memorial and petition:

Believing that the custom of war between Christian nations is barbarous and unnecessary, and, to quote the language of the illustrious Jefferson, "that war is an instrument entirely inefficient toward redressing wrong, and that it multiplies instead of indemnifying losses;" and being fully assured, that the time has at length come, when a more cheap, humane, equitable and Christian method of settling international contests may be obtained, we petition your honorable bodies to take such means as may appear to your wisdom best adapted to this desirable end.

The plan which your petitioners would venture to suggest, as best adapted to bring about so desirable a consummation, is simple and easy to be accomplished. It consists of two distinct parts, either of which may be accomplished without the other; but their practicability and utility would be promoted by the union of both.

1. A Congress of Ambassadors representing such of the governments of Christendom as shall unite in the measure, for the purpose of digesting a code of international law, to be adopted by the universal consent of the Congress, voting by nations, and binding only on the governments that shall freely adopt it. When this work is carried as far as the circumstances of the times will permit, the Congress may be dissolved, or adjourned *sine die*, to be reassembled when circumstances favorable to a further amelioration of the condition of man may be developed.

2. An international tribunal, consisting of eminent civilians, appointed by the government of each of the concurring powers, to hold their offices during good behaviour, who shall judge all cases brought before them by the mutual consent of any two or more nations, to hold their sessions in any of the countries of the high contracting parties, except in the territory of either of the parties appealing to them for judgment, who shall base their decisions on the abovementioned code of laws, so far as it is settled, and when that fails, on the principles of

equity; such judgments to be enforced only by the power of public opinion, and such other peaceful means as the nations shall adopt by their ambassadors in Congress assembled.

Your petitioners are aware, that the progress of such a Congress would be slow, but the results would be the more permanent and valuable. It would begin by adopting those principles which are almost self-evident, and would advance to those which are more doubtful and complicated. Experience has shown on moral subjects, no less than in the exact sciences, that when first principles have been firmly established, the most complicated propositions may be demonstrated, and also when people once heartily begin to promote a good work, that a spirit of mutual concession is generated, which will make crooked things straight, remove mountains of difficulty, and fill up intervening valleys;—which truth our own country, both under the old confederation and the new constitution, has abundantly exemplified.

It is not long since the world was ruled altogether by the sword, but now, "opinion is the queen of the world,"* and begins to extend her legitimate sway over the nations of the earth. Her power will increase as civilization extends, and the march of civilization is commensurate with the duration of peace and the extent of peace principles. It is the gospel of peace which will "rebuke strong nations afar off," and compel them by the power of public opinion to "beat their swords into ploughshares, and their spears into pruning-hooks."†

We live in an age when the bare attempt to do that which ought to be done, insures success. The speed, with which great enterprises are carried to their successful consummation, is no more to be measured by the creeping pace of public opinion in by-gone ages, than the velocity of a railroad car is to be judged by the slow movements of the cumbersome wains of antiquity.

If ancient attempts to preserve peace by an international tribunal, were only partially successful, that ought not to discourage us from making similar attempts on a larger scale, and in a more mature state of society, any more than the entire failure, or only partial success, of former attempts at a steam-boat, ought to have discouraged Fulton. The partial success of the Old Confederation, formed for the government of the Union in 1775, in a time of war, excitement, and inexperience in the art of self-government, did not discourage the framers of the New Constitution in 1787; but it must be confessed, that the Old Confederation was the parent of the New Constitution, and had not

* John Q. Adams's Phi Beta Kappa Address. † Micah 4: 3.

that existed, *this* could never have been born. The framers of the New Constitution profited by the errors of their predecessors, and produced an institution which has astonished and delighted the world. All improvement is, in its very nature, progressive. Let the present generation form a confederation of Christian nations for desirable purposes, —the next generation will produce a constitution which, while it will leave every nation perfectly independent as to all internal affairs and forms of government, will bind all civilized nations in one bond of peace and good-will.

It is no good reason why there should be no Congress of Nations, because it cannot do every thing. Nor will the refusal of one or even many nations to concur, entirely defeat our enterprise. If no other than Great Britain, France and the United States should agree on any article of international law, the principle, thus settled by the three chief commercial powers in the world, would soon become the law of nations, by the bare power and impulse of moral truth. For instance, should these three powers repudiate the practice of privateering, the relinquishment of that practice would forthwith be a blessing to the high contracting parties, and this relic of barbarism would soon be relinquished by every Christian nation.

As the contemplated Congress would have nothing to do, and *could* have nothing to do, with the internal affairs of nations, it could be no more dangerous to our free institutions than a treaty of peace and commerce, entered into by us with the ambassador of a monarchical government. Even a general treaty of peace, entered into by all the powers of Christendom, especially if we should not be bound by any article of such a treaty, unless we should voluntarily and formally assent to it, could not endanger our free institutions. Despotic institutions would be more endangered by a Congress of nations, than our republican principles. It was well observed in the Report of the Committee of Foreign Relations on this subject, presented to Congress at its last session, "War has ever been the fruitful source of arbitrary power. They are, to a certain degree, inseparable." By preventing war, then, we promote free institutions in other countries, and secure them in our own.

If a good thing be liable to abuse, we should not deem that a sufficient argument against its adoption; otherwise we must throw away all the improvements of society, both physical and moral. The constantly advancing improvements in the world are a sure guaranty, that when a thing is good in itself, the good will gain an increasing preponderance, which will finally reduce the evil to the "small dust of the balance." If bodies armed with physical force are dangerous, it does not follow

that similar bodies, armed only with moral power, will be dangerous also. Bodies so constituted that there is "no appeal from them but to the sword,"* may be dangerous, while those that have no appeal but to public opinion may be, at least, harmless. If the fact, that civil war is more bitter than foreign, and that the "battles are more sanguinary, and victory less merciful,"* which grow out of the organization of society, be of sufficient weight to discourage such organizations, then society must revert to its first elements, and all government but that of brute force be superseded. Mankind have so long been used to consider the sword as the only legitimate sceptre, by which the world should or could be governed, they forget that there is any power in enlightened public opinion.

"A reference to a third power of all such controversies as could be safely confided to any tribunal unknown to the constitution of our country," has been already recommended by the Committee on Foreign Relations. The Executive of the country has already shown its concurrence by frequently submitting disputes between the United States and other nations to the crowned heads of Europe. This course has received the decided approbation of our own country, and elicited the admiration of the whole Christian and civilized world. The only questions, then, which remain, are these:

1. Whether this course should continue to be an occasional measure, or become a systematic and general rule?

2. Whether the judges, or umpires, in these cases are to act by the immediate impression of truth or error on their minds, or be governed in their decisions by known and acknowledged principles and laws, recognized and adopted by the parties in controversy?

3. Whether we should continue to leave our disputes to the monarchs of Europe, singly and individually, or to a body of jurists, selected from the different states composing the proposed confederation, already distinguished for their legal talents and integrity.

On these three topics, your petitioners would briefly remark:

1. Though an occasional reference to a third power is good, a settled and regulated practice is far better, and much more likely to result in the peace and happiness of mankind. Were there a regular and acknowledged tribunal, always ready to judge the cases brought before it, governments would be compelled, by their own constituents, and by the opinion of the world, to resort to it, rather than to the expensive, barbarous, and uncertain decision of the sword. If the antagonist party should refuse to comply, he would find but little sympathy for

* Mr. Legare's Report on this subject to the last session of Congress.

the disasters which might befall him in the course of the war, and be glad to make peace by the intervention of such a tribunal.

2. Such is the infirmity of human nature, such its liability to be influenced by selfish motives, that every possible guard should be provided against errors of judgment arising from such causes. Now, a code of international laws, settled upon abstract principles, before the occurrence of any case to warp the judgment of the framers of such laws, adopted by the compact and agreement of the nations generally, especially, if the contending nations should happen to be parties to the compact, would add greatly to the probability of a just decision by the proposed court of nations.

3. It appears almost an anomaly that the United States, "the only republic in the world,"* should continue to leave its disputes with other powers to monarchs, who are busy with their own affairs, and who may have difficulties of their own to be settled by the mediation of our opponent. Such was the fact in the case of our north-east boundary question. Ought we not to prefer a tribunal composed of men free from the cares of state, the intrigues of courts, and controversies of their own with other nations; men with an established reputation, knowing that the peaceful execution of their sentence depends not only on the correctness of their judgment, but on their power to make it appear just to the world; that on their ability to make and vindicate a correct decision, depends their present and future reputation? The Governor of the State of Maine told one of your petitioners, that he is morally certain, that if the north-east boundary question had been left to such a tribunal as we contemplate, the case would long ago have been settled to the entire satisfaction of this country.

If "judges do more than pronounce and enforce judgment in particular cases," if "those opinions are the basis of all government and legislation," as is conceded by the author of the very able report already alluded to, how very superior must be a bench of able jurists, of acknowledged talents and integrity, to individual umpires, chosen rather for their station than their talents, and liable to have their judgment warped by a thousand extraneous circumstances.

Recent events afford a good opportunity of showing the excellency of the plan proposed by your petitioners. France claims from Mexico an indemnity of about $700,000. Mexico denies the justice of the claim, and refuses to pay. France blockades her ports, and shuts out all other nations from their accustomed commerce. England complains of the blockade as an infringement on her rights, and argues that

* Mr. Legare's Report.

France has no right thus to injure Mexico, and through her, all other commercial powers, until she has inflicted a still greater injury on Mexico, by seizing her commerce, and declaring war. Then, it is contended, France would have a right to capture neutral vessels trading to Mexican ports. Now, were there a Court of Nations, France and Mexico would have submitted the case to it, rather than experience so great inconvenience for so small a sum; and had there been a code of international laws, the right of France to blockade, or of neutral nations to trade to, the ports of Mexico, would have been clearly defined. For want of these, war may commence between France and Mexico, and extend to Great Britain and all the commercial world.

The General Court of Massachusetts, one of the most numerous and enlightened legislative bodies in the world, has had this subject under consideration for five years past. At first, the plan was treated as the phantasy of a benevolent enthusiast. Discussion threw light upon it. Resolves recommending a Congress of Nations to the attention of our National Executive, and "to the Legislatures of the several States, inviting their expression of sentiment and cooperation in favor of the end in view," passed the Senate of that State in the year 1837, by a majority of nearly six to one. Last year, similar resolves passed both branches of the Legislature of that State, with only two dissenting voices. The American Peace Society waited for that joyful consummation, ere they ventured to bring this subject before the collected wisdom of the nation. But the New York Peace Society has anticipated us, and the subject has received from your honorable bodies a more kind and respectful attention than they had expected on its first presentation. When the Congress of the Union shall have given the subject as continued and mature deliberation as the General Court of Massachusetts, probably the same results will follow.

Were our contemplated plan to involve great expense, we might, perhaps, pause before we presented it to the consideration of Congress; but the share of expense, falling on this country, would not maintain a single gun-boat. One ship of the line would cost more than a Congress and Court of Nations for the whole civilized world. We should soon be a thousand times repaid by the money saved in the preparation for war; and our agriculturists, merchants, manufacturers and fishermen would reap golden harvests from the increasing wealth of their customers.

If this enterprise would endanger our free institutions, we ought to pause and reflect before we run the hazard even for so great a good; but we are persuaded, that the long-continued peace, which must be the consequence of the establishment of an international tribunal,

would not only save our republic from its greatest danger, but, under God, it would be the means of extending the principles of Christianity and freedom all over the world.

The bare attempt, even if it failed, would be glorious. It would show to the world our desire for the peace and happiness of mankind. But the attempt would not fail, if it were persevered in, so as to be distinctly seen and understood by the people of Europe. If only France and Great Britain joined us at first, success would be certain. The work has already begun in England. France will follow. God has destined this country to take the lead in this great enterprise. Let us not be unmindful of our high destiny.

From the abovementioned considerations, and many more which could be urged, your petitioners humbly pray, that your honorable bodies would take such action in the premises, as, after mature deliberation, shall appear best adapted to the end proposed.

WILLIAM LADD, *President.*

J. P. BLANCHARD,
H. WARE, JR.,
AMASA WALKER,
GEO. C. BECKWITH,
L. T. STODDARD,
JOHN OWEN,
JAMES K. WHIPPLE,
EDWARD NOYES,
HOWARD MALCOM,
} *Executive Committee.*

No. 10.

Second Petition of the New York Peace Society.

To the honorable, the Senate and House of Representatives of the United States of America, in Congress assembled on the first Monday in December, 1838:—The undersigned, members of the New York Peace Society, and others friendly to the peace cause, respectfully present the following Petition and Memorial:

Your petitioners pray your honorable body to interpose your good offices as mediator between France and Mexico, thereby preventing, if possible, the effusion of human blood, and the great and innumerable evils of war, which, without some interposition of the kind, are almost sure to be realized from the present relative position of those nations.

"Two nations," says Vattel, in his Law of Nations, "though equally weary of war, often continue it merely from the fear of making the

first advances to an accommodation, as these might be imputed to weakness; or, they persist in it from animosity, and against their real interests. *Then*, common friends effectually interpose, offering themselves for mediators. And there cannot be a more beneficent office, than that of reconciling two nations at war, and thus putting a stop to the effusion of human blood. This is an indispensable duty to those who are possessed of the means of succeeding in it." Now, the present attitude assumed by France and Mexico in relation to each other, presents a fair case for interposition of the kind. It is hardly to be expected, that, in the present stage of the difficulty between those powers, either party will make advances towards reconciliation. Mediation, therefore, is imperatively demanded in this instance, by the interests of human nature. And who so suitable for this office in the case before us, as the government of the United States?—a country that has not only herself repeatedly received the benefit of the friendly interposition of others in a similar way, but that, on the one hand, sees her ancient ally, and, on the other, a sister republic of our own hemisphere, arrayed in fearful hostility against each other.

Your petitioners further pray your honorable body to act as mediator in general, in all cases of international difficulty that now exist between other nations, or that may hereafter occur, while the relations of nations remain in their present state, and no *system* of international arbitration shall be established.

The propriety, the praiseworthiness, the necessity, and the duty, of international mediation in general, are admitted on all hands. "A nation or sovereign," says Vattel, "ought to promote peace as much as lies within their power; to dissuade others from breaking it without necessity; to exhort them to a love of justice, equity, and the public tranquillity, and to a love of peace. It is one of the best offices we can perform to nations, and to the whole universe. What a glorious and amiable appellation is that of peace-maker! The most glorious period of Augustus's life was, when he shut the temple of Janus, adjusted the disputes of kings and nations, and gave peace to the universe." Now, above all others, is it incumbent on these United States to be always ready to promote the welfare of nations. Do not we profess, more emphatically than others, the desire to see all nations in the enjoyment of freedom, and every imaginable blessing? High time, indeed, then, is it, that we ceased to look with apparent unconcern on the sanguinary conflicts of nations, while monarchical governments step in between the contending parties, as ministers of mercy and peace.

Your petitioners still further pray your honorable body, to adopt for

this government the principle of international arbitration, in reference to all cases of dispute between the United States and other powers, which cannot be amicably adjusted by the parties themselves. The adoption of this principle by your honorable body would follow as a legitimate consequence, from the character which you would assume in acting as peace-maker among the nations. And, moreover, as the propriety of this principle has been repeatedly recognized by this government, by the actual reference of disputes in various instances, this furnishes an additional reason why your honorable body should make it a fixed rule of action.

Your memorialists feel that a few words are requisite in relation to this point; for, though arbitration is occasionally resorted to by nations, war as a custom nevertheless continues.

First, then, it is observable, that war pays no regard to the merits of a case. Its rule is *might*, not *right*. But arbitration *does* consider those merits. Again; the stronger party being more likely than the weaker to be the aggressor, a resort to war in the case renders it probable that the injured party will receive additional injury, instead of obtaining redress; whereas, by arbitration, that party would in all probability *obtain* redress. In cases where two parties are nearly equal in strength, by resorting to war, they generally leave off where they begin, nothing being decided, and both parties being sadly injured. Arbitration in *such* cases, also, would answer a better purpose in both respects. And in cases where the stronger party is the injured one, although by a resort to war, redress is generally obtained, how hard *the way* of obtaining it! Arbitration would afford it in an easier way. In every case, then, the ends of justice are better subserved by arbitration than by war, and all the evils of war are prevented besides. Furthermore; war is an infringement of the independence of nations. Surely it is such an infringement, for one nation to dictate to another, and to attempt to enforce its dictation, as is always done by one of the parties in war. But arbitration respects national sovereignty. Here is no dictation, no coercion, nothing but friendly counsel. Once more; by resorting to war, nations violate one of the plainest dictates of reason, viz., that parties should not be judges in their own cases, which they always assume to be in war. Arbitration respects this dictate, by providing a disinterested party as a judge. Then again; the custom of war affords the strong an opportunity to oppress the weak, and the ambitious to pursue their schemes of conquest and aggrandizement. Arbitration is a check to oppression and ambition, and the best security of the defenceless. And again; the custom of war, by which nations take their position on what they denominate the point of honor, refusing

to make the proper concessions and overtures for the preservation of peace, and sacrificing justice itself to resentment and pride, is one vast system of duelling. The principle of international arbitration is the principle of order and peace on a scale of equal magnitude. In short, every reason that can be urged in favor of the peaceful adjustment of individual disputes, and against a resort to individual violence, can be urged with as much greater force in favor of international arbitration, and against war, as the evils of war exceed in every respect the evils resulting from individual combat. Now, then, if the ends of justice itself can be better subserved by arbitration than by war, and so much evil be prevented, and so much good done, what plea remains for war?

Your petitioners yet further pray, that your honorable body propose to the various governments of the world, to appoint suitable persons as delegates, to assemble in congress or convention with delegates from the United States, for the purpose of preparing a code of international law, obligatory on such nations as may subsequently adopt it, and of acting as a board of arbitration, or a court of equity and honor, in cases of dispute between nations which may from time to time be submitted to their consideration.

The present law of nations, so called, is in a very unsettled condition. Many of its principles are matters of dispute, the writers on international law disagreeing among themselves. Nor have they any official authority, even did they agree. Neither is it competent for any one government to regulate the matter. Hence, an international tribunal is the only resource that remains, to set these things in order, and to furnish nations with a suitable code of international law. We say *international* law, because we do not propose that the contemplated tribunal shall interfere with the *internal* concerns of nations. We only say, that some common tribunal is necessary, to lay down general and definite rules for the observance of nations in their intercourse with one another. Should these rules contain any thing objectionable, any nation could refuse to adopt that objectionable part. This conservative principle would be a sufficient guard against encroachment on national rights, and would tend to the production of an equitable code on the part of the tribunal. Should some nations eventually refuse to ratify it, this would not render it abortive; for those nations that *would* ratify it could make it *their* rule in their intercourse with *one another*, leaving things as they now are in relation to the non-concurring powers, till they might see fit to adopt it.

If it is indispensable to society, that civil law be expressed in the form of a code, how great the necessity of having an international code. "The law of nations," says Vattel, "is as much above the civil

law in its importance, as the proceedings of nations and sovereigns surpass in their consequences those of private persons." How plain, how explicit, then, ought the law of nations to be! How guarded at every point! How fixed and acknowledged its principles! And yet, strange to say, this law, all-important as it is, has never, as yet, so much as been put into the form of a code, and many of its principles themselves remain matters of dispute, and have been the frequent occasion of war!

That a nation, under the existing state of things, has sometimes acted in opposition to the general sentiment, and disregarded rules which others have thought proper to observe, is so far from being an argument against embodying international law in a code, that it is the very reverse. A disputed principle of international law is not an established part of it; hence the necessity of having its principles settled, and the admitted law of nations explicitly expressed and recognized. But as the matter now stands, any nation may disregard what *others* choose to consider the law of nations. For, under what obligation is an independent nation to regard the opinions of unauthorized writers on the duties of nations, or to make the practice of other nations an example for itself?

But do your memorialists, in proposing the formation of a code of international law, necessarily involve the idea of innovation upon the established usages and the acknowledged principles of nations? By no means. The present law of nations could be thrown into the form of a code, without a single alteration; and that code, duly recognized by the nations, would be binding. Here would be a definite and certain rule; and even this would be a desideratum. But your memorialists would have, *if practicable*, some improvement made in its *principles*. They would at least have an *attempt* made to improve them. They would have suitable delegates from the various nations *convene*, and discuss and investigate principles, and *see* if they could not agree upon some improvement; and if they could not do this, then let them explicitly state the principles on which they might agree, and this would form a definite code. Some who have no confidence in the utility of a code of the kind, admit that "it could scarcely do any harm." Inasmuch, therefore, as a trial of the experiment could safely be made, why should it not be done, and thus afford the opportunity of bringing its supposed advantages to the test? And the more especially so, when, as they admit, "the authority of law, once established and acknowledged among men, is second only to that of religion." Certainly, if this is so, incalculable good would result from a wise code of international law, enacted by an authorized tribunal, and ratified by the nations themselves.

The propriety of the principle of international arbitration being admitted, your memorialists have only to show, that the *mode* of arbitration which they propose is the preferable one. And they are at a loss to perceive how any one, after due consideration, can fail to see, that a council composed of the statesmen, the sages, the philanthropists, the master-minds of earth, having nought to divide their attention, and acting in accordance with a well-digested code, would be as much superior to a temporary, individual arbitrator, looking uncounteracted to his own interest, burthened with the affairs of state, and having to form a decision under the disadvantage of unsettled principles of international law, as can well be conceived.

The establishment of *a system* of international arbitration, and of a Congress of Nations, as proposed by your memorialists, would likewise have great advantages over mere temporary arbitration in other respects. Let it be the understanding, that nations are uniformly to refer their disputes, and let there be a tribunal established to which to refer them, and the various powers would then feel safe in making a great reduction of their naval and military forces, and arbitration would be resorted to without waiting for war to commence. Whereas, without any such system and organization, arbitration being only occasional, it is seldom resorted to till after the commencement of hostilities, and then but occasionally, just as chance or caprice may happen to direct. Under such circumstances, peace cannot be insured, governments will not feel safe in reducing their forces, and thus will the war-system continue. Who, then, can fail to give the preference to the *mode* of arbitration proposed by your memorialists?

Some who object to such a board of arbitrators say, that the probability is, that its decrees "would be merely nugatory." But why nugatory? In cases of ordinary arbitration, decisions in general are not nugatory, though no compulsion is used. Why, then, would the decisions of the contemplated tribunal be nugatory? Should this, however, be the result, no harm would be done, to say the least. That something, nay, that much, *would* be accomplished, is evident from the consideration, that "judges not only pass judgment in particular cases, but shape the opinions of mankind in analogous ones;" and that "those opinions are the basis of all government and legislation."

But then it is feared, that if it *did* have any influence, that influence would be "perverted to the worst ends." Your memorialists are at a loss to perceive how this would be possible. The tribunal under consideration would only be called upon to decide cases of *external* dispute between nations, not those involving principles of government, or any vital principles whatever; in short, nothing that would be calculated to call into exercise the monarchical or the republican sympathies of any

of its members—nothing that a monarchy and a democracy would hesitate to submit to the arbitration of a crowned head of a kingdom, or an uncrowned head of a republic. Who dreams of submitting to arbitration, whether a nation shall have a monarchical or a republican form of government, or surrender its independence, or be interfered with in any manner whatever, where others are not concerned? Certainly, not your memorialists! They merely propose, that such points as are proper subjects for international arbitration, be referred to a tribunal of the kind already designated, instead of a temporary, individual arbitrator, or the sword. Where the danger in this? the more especially, as the parties would only be bound *in honor* to regard decisions *manifestly just.* This provision would tend to the production of righteous decisions on the part of the tribunal, inasmuch as unrighteous ones, under such circumstances, would effect nothing but the disgrace of that body itself. With far greater propriety, therefore, might the plea of danger be made, in submitting the disputes of individuals to courts of justice, whereby they are *compelled* to regard decisions, than in this case of nations. The decisions of the proposed tribunal would evidently have all the efficacy they ought to have, and no more. They would have only a moral influence, and that just in proportion to their rectitude. Thus, while national *independence* would remain inviolate, the fulfilment of national *obligation* would be secured.

Your memorialists are not a little surprised, that the project of Henry IV should be seriously compared with the plan by them recommended, and be pronounced far superior in point of practical wisdom. Whether a scheme to revolutionize all Christendom; to subjugate and partition the dominant power of the day; to change the boundaries of states, and apply to them the leveling principle of agrarianism; thereby interfering with the sovereignty and other primary rights of nations, and introducing innovations and changes without number; is more evincive of practical wisdom, than a proposition to draw out the law of nations into the form of a code, and to reduce the present practice of nations with regard to arbitration to an orderly system, as proposed by your memorialists, is for your honorable body to decide.

Nor less are your memorialists surprised, that it should be asserted, that the famous Amphictyonic Conucil "had no effect whatever in healing the dissensions of the Grecian commonwealths." In relation to this Council, Rees says, "Their determinations were received with the greatest veneration, and were even held sacred and inviolable." Rollin says, "The authority of the Amphictyons had always been of great weight in Greece; but it began to decline exceedingly, from the moment they condescended to admit Philip of Macedon into their body." Just as your memorialists would have it. A case more to their

purpose could not be conceived. The decisions of that Council were efficacious exactly in proportion to their equity; and they lost their influence when the Macedonian began to pervert it.

The assertion, that the Germanic Diet accomplished nothing for the pacification of the states of Germany, is equally at variance with history. For three hundred years, the German empire had been the theatre of barbarism and anarchy; when Maximilian I accomplished what his predecessors had so long attempted in vain. "In 1495," says the Encyclopædia Americana, "he had put an end to the internal troubles and violence, by the perpetual peace of the empire, decreed by the Diet of Worms."

Your memorialists would here bring into view the auspicious results emanating from the system of arbitration adopted by the Helvetic Union. "The Swiss," says Vattel, "have had the precaution, in all their alliances among themselves, and even in those they have contracted with the neighboring powers, to agree beforehand on the manner in which their disputes were to be submitted to arbitrators, in case they could not adjust them in an amicable manner. This wise precaution has not a little contributed to maintain the Helvetic republic in that flourishing state which secures its liberty, and renders it respectable throughout Europe." The same writer, in allusion to international arbitration, &c., says, "In order to put in practice any of these methods, it is necessary to speak with each other, and to confer together. Conferences and congresses are then a way of reconciliation which the law of nature recommends to nations, as proper to put an amicable period to their differences." Thus is the idea of a Congress of Nations sanctioned by the *law* of nations. Not only so: the *practice* of nations sanctions it. From 1644, to 1814, there were more than thirty convocations of temporary Congresses of Nations, embracing various states of Europe. "Wars have been terminated by them; conflicting jurisdictions have been settled; boundaries have been ascertained; commercial conventions have been formed; and, in various ways, the interests of friendly intercourse have been promoted." Your memorialists, therefore, in proposing the establishment of a Congress of Nations, are far from acting the part of visionary innovators; they merely propose an *improvement* of a present international regulation. They propose, that, instead of temporary congresses, convened after war *has done* its bloody work, there be a permanent Congress to *prevent* war—a body of sages and philanthropists always ready, to whom to refer disputes *before* war, rather than *after* it. This is the sum of the whole matter. And what is there visionary or impracticable in it? What is there in it that is not decidedly better than the present state of things? This improvement in international jurisprudence, this

advance upon preceding ages, is due from this very generation to the enlightened period in which we live. Your memorialists can but think, that the venerable Franklin had some such plan in view when he said, "We daily make great improvements in *natural*, there is one I wish to see in *moral*, philosophy; the discovery of a plan that would induce and oblige nations to settle their disputes without first cutting one another's throats." Something of the kind the illustrious Jefferson seems likewise to have had in view, when, in speaking of the inefficiency of war in redressing wrong, and of its multiplying, instead of indemnifying, losses, he exclaimed, "These truths are palpable, and must, in the progress of time, have their influence on the minds and conduct of nations!" And in authorizing his name to be registered among the names of the members of the Massachusetts Peace Society, he gave still stronger testimony in favor of pacific principles and measures.

Before coming to a close, your memorialists would introduce to the notice of your honorable body what will no doubt, ere-long, be presented in an official form; relating as it does, directly to the subject now under consideration, and having a most important bearing on it.

The Legislature of the noble and enlightened State of Massachusetts have recently adopted a report, and sundry resolutions of a committee of that body, by a unanimous vote in the House, and with only five dissenting votes in the Senate, and consequently without distinction of sect or party, in which they entirely coincide with your memorialists in their views.

[As this part of the memorial, consisting of extracts from the abovementioned report, and the resolutions appended to it, has appeared in a previous article, it is unnecessary to repeat it.]

Thus, not only your memorialists, but virtually whole States, already call on your honorable body to adopt the system of pacification designated in this memorial. Nay, your memorialists doubt not, that could the universal sentiment be ascertained, nine-tenths of the human race would be found to accord with these views. Your memorialists, therefore, present this document to your honorable body, as the representation of the views and wishes of their race, in regard to this great subject; and in the nameof human nature they implore you to grant these requests.

Your memorialists fear they have already trespassed on the patience of your honorable body, by their very extended remarks. They trust, however, that the immense importance of the subject will serve as a sufficient excuse for the great length of this memorial. And they only further hope, that your honorable body will give it attention according to that importance. Should this be the case, they are under no apprehensions with regard to the result. And your memorialists, as in duty bound, will ever pray.

No. 11.

Third Petition of the American Peace Society.

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled, 1839–40.

The undersigned, President and Executive Committee of the American Peace Society, by the authority, and in behalf of that Society, present the following petition:

Your petitioners, being more persuaded than ever, that the frequency of war may be lessened, its sufferings abated, and the custom of war finally banished from the community of free and enlightened nations, and a more equitable, safe and cheap method for settling international disputes substituted in its place, would once more call the attention of your honorable bodies to that most important subject,—a Congress of Nations. They have nothing to add to the unanswerable arguments of former petitions on this subject, and they lament that the short duration of the last session of Congress prevented the Committee on Foreign Affairs, to whom their own, and many other petitions on the subject were referred, from making a report on the answer of your petitioners, and others from different parts of the Union, to the objections to this great and benevolent enterprise, which were brought against it by the report of the Committee on Foreign Affairs of the preceding session of Congress. The Committee were probably so much occupied with the many important topics brought before them during the short session of Congress, that they had not time thoroughly to examine the subject. If they had examined it, they probably would have come to the same result with the Legislature of Massachusetts, who two years ago almost unanimously recommended the subject to the attention of Congress, by a report and resolves sent on last year to the President of the United States, which want of time probably prevented him from laying before Congress.

The question of our north-eastern boundary is still unsettled and is likely to remain so for years to come; and may bring on a war between two of the most enlightened nations in the world,—a war, which so far from settling the question, would only encumber it with new difficulties to be settled by another umpire, whose decision would be as liable to be rejected as the last; and thus it may continue to be the bone of contention between the two countries, until they see the futility of expecting an individual, however learned and discriminating, to settle a question which may require the united wisdom of a whole bench of judges, long used to weigh conflicting evidences in the scales of justice; and, from their exalted situation, elevated above all national and

political feelings, able not only to give a right decision, but to make that decision plain and satisfactory to the parties concerned, and to the world at large. The opinion has been expressed by some of the ex-governors of the State of Maine, that had such a Court of Nations as that which we contemplate existed, the difficulties of our north-eastern boundary would long ago have been settled to our entire satisfaction.

The plan proposed by your petitioners is two-fold. One part consists of a Congress of Ambassadors from all those Christian and civilized nations who may choose to be represented there, for the purpose of settling such points of the law of nations, as they may be able to agree upon, in a mutual treaty between all the powers represented, which, like any other treaty, might be ratified or rejected by the nations concerned. The other part is the organization, by that Congress, of a Court of Nations for the adjustment of such cases of international difficulties as might be brought before it by the mutual consent of any two or more conflicting nations, without resort to arms. This is the outline of our plan. The details may be filled up by the wisdom of the present and succeeding ages. The whole plan may be adopted, or either part of it; for one is not *necessarily* dependent on the other. They may exist separately, or both together, as should be thought best. But the two great objects should never be lost sight of, viz., 1st. The settlement of the principles of international law by compact and agreement after mature deliberation; leaving them no longer to be decided by the conflicting opinions of unauthorized writers on the law of nations. 2d. Some better method than the sword, or occasional arbitration, for the settlement of the disputes of Christian and civilized nations; such as a high Court composed of the most celebrated civilians and jurisconsults of the countries represented in a Congress of Nations. The plan is so simple, and the evils to be remedied so great, that the only difficulty seems to be in making men believe that so great a cure can be performed by such simple means, which, after all, is but a step or two in the increasing practice of arbitrating international difficulties.

This subject has been much discussed in New England and New York; and, where best understood, it is most appreciated. It has also received the attention of the British public, and has been agitated on the continent of Europe. Should the government of these United States invite Great Britain and France to join in this great and benevolent enterprise, and these three powers only should commence the work, most of the other powers of Europe and the South American republics would soon follow; and a new era would dawn on the world: right would take the place of might; wars, in a great measure, would cease in Christendom; and peace and happiness would generally pervade the world.

The American Peace Society is not alone in this affair, as is abundantly testified by the numerous petitions presented to the last two sessions of Congress on this subject, not only by peace societies, but by men who are not members of any peace society, but who desire the happiness of their fellow-creatures, and the honor and prosperity of their country; and we expect that numerous petitions will be presented to Congress at their present session, if our fellow-citizens have not become discouraged by the neglect of their petitions last winter; for almost every one who understands the subject, readily gives his assent to it.

Deeply impressed with these views of the subject, your petitioners humbly pray that their petition may be committed to a special Committee, with directions to examine and report on the subject.

WILLIAM LADD, *President.*

J. P. BLANCHARD, JOHN OWEN,
GEO. C. BECKWITH, J. W. PARKER,
EDWARD NOYES, JAMES K. WHIPPLE,
} *Executive Committee.*

No. 12.

Form of a Petition written and circulated by the Friends of Peace in different parts of the country.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

The undersigned, citizens of [Portsmouth, in the State of New Hampshire,] respectfully present the following Memorial and Petition:

It is a growing sentiment among men of all classes and professions, that international war is as needless as it is confessed to be ruinous to the resources and morals of a people. This opinion is now defended, not, as formerly, on religious grounds solely, and by the members of individual sects of Christians, but on grounds of general expediency and policy, and by many who view or treat the subject only in its political aspects. But with this progress of public sentiment, recent events have shown us that the causes of war are not removed; but our country was, during the last year, brought alarmingly near a state of hostility with the very power with which, of all others, a common parentage and language, and the closest financial and commercial relations, invite us to cultivate a pacific intercourse.

The most fruitful causes of war flow from the unsettled state of international law. The existence of international law is recognized, and its requisitions are professedly held as binding by all the civilized governments of Europe and America.

International law, in its original growth, has been justly compared to the common law of England and of most of these United States. It has no recognized code; but is the creature of precedent, and individual opinion and authority. It is, therefore, like the common law, ever in the process of creation. Of the latter, it has been said, with truth, that "the courts make it, instead of being governed by it." And so may it be said of international law, that, while it is ostensibly the basis of all diplomatic intercourse, the nations make it by every new demand, compromise or treaty. A system of law, thus perpetually *in transitu*, must, of necessity, be indefinite, and liable to opposing constructions. Moreover, there must necessarily be, both within nations and between nations, however strict and thorough the statuary provisions, a common law, a law of precedent and authority, perpetually growing up. No codification can be so complete as to cover all possible cases, and to cut off the call for independent precedents and decisions.

Yet it seems to your petitioners a self-evident proposition, that a common law may, at a certain stage of its growth, have reached such a degree of complexity, and may have become so voluminous or miscellaneous in its authorities, as to demand codification, and also that it may become established (or capable of being established by a careful comparison of precedents) on a sufficient range of questions and subjects, to render such codification of the greatest value and advantage. To codify such a system of law, is not to arrest it in its progress towards completeness; but to facilitate its progress by writing its history.

This stage, it is believed by many eminent jurists, has been reached by the common law, so called; and much has been of late wisely said and written with regard to its codification. Already in the State of Massachusetts is a commission, composed of gentlemen of the highest legal talents and attainments, engaged, under an act of the Legislature, in the codification of the common law. Nor do we deem it a merely fortuitous coincidence, but the result of analogous views and arguments, that the Legislature of that same enlightened State should have been, so far as we are informed, the first legislative body in the world to recommend by vote "the institution of a Congress of Nations for the purpose of framing a code of international law."

Your petitioners believe that the law of nations is capable of being definitely settled on many points, on which it is still unsettled, and that

the good of the civilized world demands its early establishment and codification, so far as practicable. We reflect with alarm on the admitted fact, that the points of international law, on which opposing views led to our last war with Great Britain, still remain unsettled, and may involve us anew in hostilities with any future belligerent European power. We believe that the present interval of peace and amicable relations between the great powers of Christendom generally, would be eminently favorable to the prospective settlement of the possible grounds of future discord and hostility. We cannot but think, too, that the same disposition, which has led the principal powers of Europe, in repeated recent instances, to adjust, by amicable negotiations, or by arbitration, disputes which, a quarter of a century ago, would have inevitably issued in sanguinary wars, would induce them to accede to any proposal, emanating from a source entitled to the highest regard and deference, for the establishment of a code of international law.

It is mainly in this view that we petition your honorable body to take into mature consideration the subject of a "Congress of Nations." We would respectfully submit the question, whether it be not practicable for a body of accredited delegates from the civilized governments of Europe and America to be convened for the establishment of certain leading points of international rights, usage and intercourse. In proposing such a measure, and urging its practicability, we do not propose and urge an unprecedented measure, or one which requires any unwonted form of negotiation, in order for it to be carried into effect. We are, perhaps, unfortunate, in having given to this, our favorite measure, a new name. There have often been three or more parties to an international treaty; and such treaties have always been negotiated by a "Congress of Nations," that is, by a convention composed of the accredited representatives of the several high contracting powers. Moreover, individual points of international law constitute a part or the whole of the subject matter of every treaty between two or more nations; and by every treaty, such points are settled for a season between the parties to the treaty. The measure, in behalf of which we yet hope to see the influence of our government exerted, is the negotiation of a treaty, to which there shall be as many parties as there are civilized and Christian governments, and which shall embrace all the points of international law which accumulated precedent and authority furnish the means of establishing to general satisfaction.

We look forward to the establishment of a system or law of arbitration for the settlement of future international disputes, as an ulterior result of the convening of such a "Congress of Nations," as would be

held for the purpose aforesaid. What that system or mode of adjustment would probably be — whether by the renewal from time to time with judicial functions of the Congress originally convened for legislative purposes (to which we are well aware that there are sound and weighty objections), or by defining, by general treaty, the rights, powers and duties of umpires of the respective parties to an arbitration — we do not presume to say. When we urge upon our legislators and others the project of a Congress of Nations, we include this object of the settlement of national disputes with the more definite one of the establishment of a code of international law; because the latter object is of course only auxiliary to the former, and because the latter must needs follow from any train of measures designed to carry the former into effect.

In petitioning your honorable body to take this subject into consideration, we are by no means unaware of the respectful attention paid by the last Congress to similar petitions, or insensible to the merits of the able and candid report presented to the House of Representatives June 13, 1838, by Mr. Legare, from the Committee on Foreign Affairs. We are encouraged still to petition by the very fact, that former petitions have not been presented in vain, but have called great and good minds into action upon a subject of so vital an interest.

We respectfully hope that ours and similar petitions may be the means of drawing out other minds on the same field of inquiry and argument; and also of chronicling on the records of Congress the progress, which we are well assured that the general mind of the American people has made since the presentation of the report just referred to, and which therefore its collective wisdom must indicate.

No. 13.

Petition to Parliament by the London Peace Society.

The humble Petition of the Executive Committee of the Society for the Promotion of Permanent and Universal Peace,

Showeth,—That a Society for the promotion of Permanent and Universal Peace was formed in London, in the year one thousand eight hundred and sixteen. That this Society has attempted to effect this end, by diffusing information on the subject, showing that the resort to war, to settle questions of national profit and honor, is a practice derived from the barbarism of former ages; inconsistent with the en-

lightened philanthropy of the present times; altogether contrary to the benign principles of Christianity; productive of extensive destruction of property, liberty, and human life, and of many other great miseries and corruptions: and usually inefficient for the purposes for which it is waged; and hence, that it is incumbent on all civilized, especially on all Christian communities, to devise measures for its complete suppression.

Your petitioners further show, that societies have been formed in the United States of America, in France, and in Switzerland, for the same purpose, which aim at this most desirable consummation, by precisely the same measures.

Your petitioners take this opportunity to state, that they have been strongly urged, by the American Peace Society, in consequence of the dispute now existing, in reference to the boundary line between the United States and the British territories, to unite with them in endeavoring to allay all angry passions and excited feelings, on a subject which ought to be decided by sound judgment and calm deliberation: and to use all constitutional means to prevent the outbreaking of war between two countries, bound together by so many ties of principle, affection, and interest.

Under a serious apprehension of the danger of a catastrophe so awful, your petitioners earnestly invite the calm consideration of your honorable House, to the principles of the acknowledged religion of this country, and to those petitions in the liturgy of the Established Church of this nation, which pray for the preservation of Peace; and they implore your honorable House to use all efforts which your wisdom may devise, to prevent a calamity so greatly to be deprecated, as a war between two nations of one blood, of one language, and of one religion.

Your petitioners beg leave to express their firm conviction, that all war is opposed to the spirit and precepts of Christianity, and is contrary to the true interests of nations; and that the time is come for the adoption of a more equitable and Christian method of settling international disputes.

Your petitioners therefore humbly pray your honorable House to devise such measures as in its wisdom may seem best adapted, to induce all governments to unite in forming a great council, for the purpose of settling the principles of international law and of organizing a High Court of Appeal, in which all national disputes may be adjusted.

And your petitioners will ever pray.

ERRATA.

Page 145, line 3, for *more* read *mere*.
Page 191, line 24, for *whose* read *whom*.

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